

Brussels, 24.10.2018 SWD(2018) 452 final

COMMISSION STAFF WORKING DOCUMENT Accompanying the document

REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

Progress report on the implementation of the EU Action Plan against Wildlife Trafficking

{COM(2018) 711 final}

EN EN

Introduction

The present Commission staff working document complements the progress report by the Commission on the implementation of the EU Action Plan against Wildlife Trafficking (the "Action Plan"). It presents a summary of the actions taken at the EU and Member States levels since 2016 in relation to the three priorities of the Action Plan, as well as, where relevant, the additional measures planned to attain the objectives related to those priorities. This report draws, inter alia, from the contributions received from 25 EU Member States¹, Europol, Eurojust, IMPEL², ENPE³ and EUFJE⁴ on the implementation of the Action Plan. The contributions from the Member States are available online⁵.

.

Out of 28 MS, only Ireland, Malta and Portugal did not submit contributions.

IMPEL is the EU Network for Implementation and Enforcement of Environmental Law – see https://www.impel.eu/.

European Network of Prosecutors for the Environment – see https://www.environmentalprosecutors.eu/.

European Forum of Judges for the Environment – see https://www.eufje.org/index.php/en/.

http://ec.europa.eu/environment/cites/trafficking_en.htm

PRIORITY 1: Preventing wildlife trafficking and addressing its root causes

The first priority of the Action Plan is for the EU and its Member States to tackle the multiple root causes of wildlife trafficking, in recognition that combating wildlife trafficking can only be successful if its underlying drivers are addressed.

Objective 1.1 - Reduce the demand for and supply of illegal wildlife products

Action 1

Increase support for awareness-raising and targeted demand reduction campaigns in the EU and worldwide Many EU Member States carried out awareness-raising and information campaigns focused on illegal trade in wildlife products. Some of these campaigns were directed to the general public, taking place online, at airports, zoological gardens, schools or universities. Targeted actions were also organised towards the pet industry, the transport sector or the musical instruments sector as a follow-up to decisions agreed at the 17th Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 2016. Member State also carried out targeted actions, such as campaigns directed to the Vietnamese community (Czech Republic) or relating to sturgeon and illegal trade in caviar (Bulgaria). France and the Netherlands are currently developing special applications for mobile devices to inform travellers about protected plants and animals. In addition, most Member States convey news regarding enforcement actions through a variety of media, including official websites and social media.

The Commission has collected and shared amongst all Member States examples of awareness raising and demand reduction actions carried out by individual Member States.

The EU and its Member States have also been supporting programmes against wildlife trafficking in third countries, which encompass actions targeted at demand reduction in destination countries on the Asian continent. This is the case for example of an EU-funded programme carried out by civil society organisations in conjunction with the Chinese authorities of EUR 1 million and focusing on demand reduction, particularly targeting pangolins and rosewood. This project will focus on the reduction of demand for illegally sourced rosewood and pangolin through market and consumer studies in the first year focussing on these two species to understand better where and why the demand exists. They will form the basis of the campaigns that will be developed. The project will also engage with various sectors that are linked to consumption of these goods, such as the tourism sector, ebusiness, craft and collection industries etc. to inform consumers, travellers and others that make use of these sectors. A third part will focus on the efforts of NGOs and Government to raise awareness among Chinese in Africa with a focus on rosewood. Finally the project will provide reviews of the current laws existing in China regarding both species and provide recommendations on these laws.

A number of EU Member States also have been providing financial support to demand-reduction programmes in Asian countries, notably in Vietnam (Germany, United Kingdom).

Action 2

Further limit trade in ivory within and from

Limiting <u>ivory trade</u> in and from the EU to avoid that it fuels demand for illegal ivory is a priority for the EU. Intra-EU trade and the re-export of ivory for commercial purposes are already very strictly regulated: only

the EU

old ivory items can be traded in the EU or exported outside the EU, under strict supervision by the national competent authorities from the EU Member States. In addition, as foreseen in the Action Plan, the Commission adopted in May 2017 a guidance document⁶ recommending that, as of 1 July 2017, EU Member States stop issuing export documents for raw ivory. In practical terms, this means that EU Member States have stopped all export of raw ivory, except for very specific situations, such as for scientific, enforcement or educational purposes.

For the rest of ivory trade authorised under EU law, the Commission guidance document provides detailed recommendations so that the EU Member States exercise high scrutiny on each transaction and only allow trade to happen for legal ivory items. Enforcement actions against illegal ivory trade in the EU have also been considerably reinforced.

In addition, in order to ensure that legal ivory trade in or from the EU does not contribute to elephant poaching or illegal ivory trade, the Commission, in cooperation with the Member States, has been investigating the main features of legal and illegal ivory trade in, from and to the EU. A public consultation was also conducted from 15 September to 8 December 2017 to compile information and views on the extent, structure and main features of legal and illegal trade in ivory in and from the EU, as well as on the priorities that the EU should follow in its approach against ivory trafficking⁷.

Action 3

Reduce or ban unsustainable imports into the EU of endangered species by proposing their listing in CITES Appendices (e.g. rare reptile species) In order to avoid that the EU market is used to import wildlife species of unsustainable or illegal origin, the Action Plan also calls for the EU to be proactive in submitting proposals for inclusion in CITES Appendices of species sought after in the EU. In line with this objective, the EU successfully proposed at the 17th Conference of the Parties to CITES in 2016 to extend the CITES protection to a number of species imported into the EU, notably as pets. This was the case for the Barbary macaque, the African grey parrot and a number of gecko, lizard and ornamental fish species threatened by international trade. In total, the EU tabled a record number of proposals at CITES CoP17, in close cooperation with the countries of origin, resulting in the award of enhanced international protection for many species traded to the EU and in the rest of the world. The EU and its Member States will pursue this approach in view of the next CITES CoP, which will take place in May 2019.

In addition, the EU monitors regularly the sustainability of import of CITES-listed species into its territory, through the activities of the Scientific Review Group (SRG), which gathers scientific experts from all the EU Member States. The SRG scrutinises such imports. In cases where there is insufficient information on their sustainability and after consultation with the exporting country, the Commission, based on the advice by the SRG, can decide on suspensions of trade into the EU for

http://ec.europa.eu/environment/cites/pdf/guidance_ivory.pdf

See the consultation and the analysis of its responses at https://ec.europa.eu/info/consultations/public-consultation-ivory-trade-eu en

specific species⁸.

The Partnership Instrument project "Enhancing cooperation with Indonesia on trade in wildlife products" contributes to ensuring that imports of wildlife products take place in compliance with EU Wildlife Trade Regulations, as it will support Indonesia as one of the largest suppliers of wildlife products to Europe to sustainably manage its natural resources and biodiversity in line with CITES.

Objective 1.2 - Ensure that rural communities in source countries are engaged in and benefit from wildlife conservation

Action 4

Strengthen engagement of rural communities in the management and conservation of wildlife

<u>and</u>

Action 5

Support the development of sustainable and alternative livelihoods for communities living in and adjacent to wildlife habitats

Supporting relevant activities of rural communities is a cornerstone of the EU approach to biodiversity protection and in the fight against wildlife trafficking. The EU is providing considerable financial support to programmes designed to build capacities of rural communities to sustainably manage their natural resources and develop alternative livelihoods to avoid wildlife consumption in and around protected areas. This is the case for example in the landscapes around the Garamba, Salonga, and Virunga national parks, in the Democratic Republic of the Congo, which have been receiving financial support from the EU for many years. Some other EU-funded programmes, notably in Eastern and Southern Africa, aim to improve law enforcement against illegal wildlife trade by strengthening local community support and participation, especially in transboundary conservation areas and ecosystems. The Northern Rangelands Trust, working with the International Fund for Animal Welfare on its *Ten* Boma initiative, is an example of an organisation that will receive significant financial support from the European Commission to implement actions that aim to achieve such objectives in Kenya. The EU is also actively participating in the multilateral discussions on the involvement of rural communities in the implementation of the CITES Convention.

A number of Member States (11) also reported on specific actions taken to strengthen the engagement of rural communities in wildlife conservation. In most cases, this support takes the form of financial support to community-led programmes to reduce wildlife trafficking. This is the case of the International Union for Conservation of Nature (IUCN) "Horn of Africa Wildlife Crime Prevention Programme", to which the Netherlands contributes financially. The development of local communities is also at the heart of 47 "Illegal Wildlife Trade Challenge Fund" projects financed by the United Kingdom with an amount of £26 million. Another example is the RESSOURCE project, funded by the French authorities, the UN Food and Agriculture Organisation and the EU. This project aims at empowering local African communities, notably in Senegal, Chad, Mali, Egypt and Sudan, with the tools and knowledge to contribute to sustainable management of water birds.

See http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1508765426547&uri=CELEX:32017R1915

Objective 1.3 – Increase business sector engagement in efforts to combat wildlife trafficking and encourage sustainable sourcing of wildlife products

Action 6

Raise awareness of business sectors trading in wildlife products within/from the EU or facilitating such trade

and

Action 7

Support private-sector initiatives to curb the illegal wildlife trade and encourage sustainable sourcing of wildlife products in/from the EU

The Commission organised a conference on this topic on 8 February 2017, with a specific focus on the transport sector and the exotic pet industry. Air transport organisations and courier companies participated in technical sessions of the EU Enforcement Group, which gathers enforcement agencies from all EU Member States, Europol, Interpol, the CITES Secretariat, the World Customs Organisation and Eurojust⁹, at a meeting on 13 June 2017. The Commission also reached out extensively to companies, organisations and federations active in other important sectors, such online trade, air transport, zoos and aquaria, pet trade, breeders, hunting, eel fishing and trade, timber, musical instruments and antiques.

Similar initiatives were adopted at the national level by a large number of Member States. As an example, the French customs reported that they hold regular meetings on wildlife trafficking at Roissy Charles de Gaulle airport with the French national airline, the airport management and freight operators. The deliverables for such workshops include the production of leaflets for passengers in departing lounges regarding wildlife trafficking, staff training on how to spot and detect wildlife smuggling and exchange of data regarding previous significant cases at the airport in order to share information about recurring patterns of wildlife smuggling (such as bush meat and small consignments in express freight, etc.).

These contacts considerably helped raise the awareness of the private sector on the extent and features of wildlife trafficking in the EU, while the issue had previously often been viewed as a problem affecting Africa and Asia rather than Europe.

As a response, several European companies adopted a series of measures and commitments. A number of European airline companies joined the *United for Wildlife Transport Task Force*¹⁰. Experience shows that the most relevant areas for engagement by the business sector are (i) sensitising their consumers on wildlife trafficking and the need to obey by the rules, (ii) training staff to detect instances of illegal trade in wildlife products and to report about it according to clear protocols and (iii) increase cooperation with enforcement agencies, notably in the sharing of information.

While good progress has been observed in many sectors of relevance to wildlife trafficking in the EU, more needs to be done and the Commission and the Member States will pursue efforts in that direction. Particular focus should be given to the online trade and courier sector companies in view of the important volume of trade in wildlife products (both legal and illegal) operated through online sites and transported by courier or mail companies. The Commission will also build on the current cooperation with other sectors, in particular the ornamental fish and exotic pet organisations, to obtain concrete results against illegal wildlife trade and for the promotion of sustainable sourcing of wildlife products.

http://ec.europa.eu/environment/cites/eg en.htm

Notably Air France, KLM and TAP – see https://www.unitedforwildlife.org/

Objective 1.4 - Tackle corruption associated with wildlife trafficking

Action 8

Support initiatives to fight the corruption associated with wildlife trafficking at national, regional and international levels At the 17th Conference of the Parties to the CITES Convention in 2016 the European Union successfully introduced a dedicated Resolution against **corruption facilitating wildlife trafficking**¹¹. This Resolution sets out clearly, for the first time, that corruption plays a major role in the current wildlife trafficking crisis, calls on CITES Parties to adopt targeted actions to address this problem and provides a mandate to CITES bodies to hold Parties accountable for instances of corruption affecting the implementation or enforcement of CITES. In line with this mandate, the CITES Secretariat reported at the last CITES Standing Committee meeting in November 2017 on allegations of suspicious transactions by some Parties, prompting the Standing Committee to investigate further these cases. In July 2017, the EU also actively supported the adoption by the G20 of High Level Principles against corruption linked to wildlife trafficking and will work on their implementation, notably as part of the G20 Anti-Corruption Working Group co-chaired by Argentina and France. In May 2018, the UK and France co-hosted a side event on illegal wildlife trade and corruption with the United Nations Office on Drugs and Crime (UNODC) at the 27th session of the UN Commission on Crime Prevention and Criminal Justice.

In operational terms, the EU is financing a number of programmes designed to reinforce the enforcement and judiciary capacities of developing countries against wildlife trafficking, which includes addressing wildlife-related corruption. EU Delegations in third countries also work closely with anti-corruption agencies and civil society organisations¹² on the follow-up of concrete wildlife trafficking cases, to make sure that efforts by enforcement and judiciary authorities are not hampered by corruption. This approach is pursued as part of the EU overarching policy in support of environmental protection and the rule of law.

In addition to the initiatives above, the EU and its Member States should endeavour to raise the issue of wildlife trafficking to a more prominent level with the UN Convention Against Corruption.

Notably the EAGLE network, see http://www.eagle-enforcement.org/.

https://cites.org/sites/default/files/document/E-Res-17-06.pdf

PRIORITY 2: Making implementation and enforcement of existing rules and the fight against organised wildlife crime more effective

Objective 2.1 – Ensure more even implementation of EU rules on the wildlife trade and develop a more strategic approach to checks and the enforcement of rules against wildlife trafficking at EU level

Action 9

Develop strategies to improve compliance with EU wildlife legislation at national level To meet this objective, the Action Plan recommends the adoption of strategies to improve compliance with EU legislation. In that respect, some Member States have formulated national strategic plans (in particular Germany, Slovenia and Spain), or set up taskforces/working groups to investigate gaps between EU wildlife legislation and national laws (Austria, Belgium, Hungary and the Netherlands). A few Member States plan to update their legislation and strengthen national authorities' capacity to fight wildlife crime (Austria, Poland and Spain). For example, Austria intends to revise its national *Species Trade Act* by 2019-2020 to ensure full implementation of the EU Action Plan.

At the EU level, the Commission exercises regular scrutiny on the implementation by the Member States of the EU rules on wildlife trade. Member States have to report every year on trade in CITES-listed specimens and seizures, as well as on the measures taken to implement their obligations under CITES and the EU wildlife trade regulations every three years. The information provided in these reports is reviewed by the Commission to assess possible shortcomings in the implementation of the EU wildlife trade framework. Where necessary, the Commission communicates directly with the Member States about such shortcomings, requesting them to provide the required clarifications. In addition to reporting, compliance is assured through meetings held each year with the national authorities of the EU Member States in charge of the management (4 meetings/year), scientific (4 meetings/year) and enforcement (2 meetings/year) aspects of Council Regulation (EC) No 338/97. These meetings are the occasion for Member States to exchange information on their challenges and experiences, develop common solutions and eventually ensure that they all implement the rules in a harmonised manner. Specific trainings linked to the implementation of the wildlife rules are regularly organised back to back with the official meetings (especially for the scientific authorities). Where necessary, guidance documents are developed by the Commission in cooperation with the EU Member States to ensure a common interpretation of the EU wildlife trade rules (cf. recent guidance documents on trade in rhinoceros, ivory and "worked specimens"). The implementation of the wildlife trade regulations will be included in the next Environment Implementation Review¹³ exercise.

The EU has been working proactively to ensure that <u>hunting trophies</u> of CITES-listed species to be imported into the EU come from sustainable and legal sources. The EU successfully tabled at CITES CoP17 in November 2016 a proposal for a Resolution, which for the first time sets out globally-agreed principles that should be followed to ensure the legality and sustainability of trade in hunting trophies of CITES-listed species. The Resolution also stresses the importance that trade in

_

http://ec.europa.eu/environment/eir/index_en.htm

hunting trophies provides benefits to local communities. The EU and its Member States are promoting the implementation of this Resolution, notably through a specific project on large carnivore sustainable trophy hunting in Zambia and the organisation of a workshop on trophy hunting in Sevilla in April 2018 with experts and range States from Southern Africa. The Scientific Review Group (SRG) is also scrutinising the sustainability of import of hunting trophies into the EU and three SRG experts carried a specific mission to Tanzania to work with the authorities and stakeholders on the sustainability and legality of hunting trophies of lions and elephants.

Action 10

Improve rate of detection of illegal activities

Improving rate of detection of illegal activities is essential to reach the objectives of the Action Plan. In addition to checks at border-crossing points, competent national and local authorities have established regular control on traders, breeders and keepers (Lithuania, Germany, Czech Republic, Croatia, France and Slovakia). Belgium reported on an increase in the number of inspectors tasked with the enforcement of CITES rules. The publication of national guidelines, either general or specific, has proved useful in assisting enforcement officers during checks, notably with identifying protected species (Austria, Greece, Italy). Furthermore, in some Member States, enforcement agencies, especially custom officers, receive specific training to develop knowledge of EU wildlife regulations and increase effectiveness of its enforcement (Finland, Germany and Sweden). In the Netherlands, sniffer dogs are trained on CITES species and derived products.

Action 11

Step up efforts to ensure implementation of the EU roadmap towards eliminating the illegal killing, trapping and trade of birds With its Roadmap towards eliminating the illegal killing, trapping and trade of birds¹⁴, the Commission aims to support the *Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds* of the Bern Convention which represents the main working programme at Pan-European level to address this problem.

At the EU level, the Commission's efforts mainly concentrate on three aspects: (1) keeping an overview of all on-going activities to foster implementation of the main relevant actions, (2) taking care of the correct implementation of the Birds Directive by Member States and (3) financing some key initiatives. (1) The Commission convenes, once a year, a meeting of the main organizations active in fighting illegal killing, trapping and trade of birds to take stock of on-going initiatives and to facilitate co-ordination between those organizations.

(2) In addition to enforcement action, the Commission is developing complementary ways to foster good implementation of the Birds Directive. Bilateral dialogues with Member States are envisaged in the context of the Action Plan for nature, people and the economy¹⁵ and the Environmental Implementation Review¹⁶ (Action 5 of the Action Plan), as well as other supporting mechanisms. These aim to strengthen compliance in the Member States on all aspects related to implementation of the Habitats and Birds Directives, including illegal bird-related issues where such significant activities are reported. Actions under the Action Plan on environmental compliance and

http://ec.europa.eu/environment/nature/conservation/wildbirds/docs/Roadmap%20illegal%20killing.pdf

http://ec.europa.eu/environment/nature/legislation/fitness_check/action_plan/index_en.htm

http://ec.europa.eu/environment/eir/index_en.htm

governance are aimed, inter alia, at improving enforcement against illegal killing of birds¹⁷.

(3) The Commission is financing several initiatives. This includes an intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean¹⁸, which was established under the Convention on Migratory Species (CMS). The Task Force aims to fight illegal trapping activities in the Mediterranean, which – according to the available knowledge – is a hotspot for illegal killing and trapping of birds. Germany is financing a position in the CMS to support its activities against the illegal killing of birds. The Commission also financially supports activities of IMPEL on bird-related problems, which includes the establishment of a real-time communication tool for information exchange and cooperation between enforcement officials, national authorities and (inter)national and regional organisations of stakeholders¹⁹.

Finally, the Commission produced a publication ("LIFE & Wildlife Crime")²⁰ which summarises actions taken under the EU LIFE programme and directly relevant to the EU Roadmap. One example includes the LIFE Nature VENENO NO Project on the fight against illegal poison use in the natural environment in Spain²¹.

In a complementary manner, Member States have taken concrete steps to ensure compliance with the EU roadmap. German competent authorities, for instance, have been monitoring the illegal killing, trapping and trading of birds of prey in the context of the "EDGAR" project²². A few Member States have reported on collecting and gathering information on bird-related crimes, via either formal or informal knowledge base systems (France, Slovakia). As another example of European coordinated action to ensure protection of bird against illegal killing, trapping and trading, the Pannon Eagle LIFE Project²³ focuses on the protection of the Eastern Imperial Eagle (Hungary, Czech Republic, Slovakia, Austria, and Serbia).

Action 12 Define and assess priority risks regularly

<u>Defining and assessing priority risks</u> forms part of the enforcement strategies of some EU Member States (Latvia, Slovenia and the United Kingdom). Risk profiles are also developed based on EU-TWIX²⁴ or Risk Information Form data.

With regard to cooperation within the EU, Member States reported on their experience through the EU Enforcement Group, IMPEL, as well as EnviCrimeNet, which connects Member States' police and other enforcement officers, to improve the results and efficiency of investigations (Austria, France and Slovakia). The increasing role of Europol in addressing cross-border wildlife trade was also acknowledged by many Member States (Austria, Belgium, Czech Republic, Denmark, Finland, Greece, Italy, Spain and Sweden).

9

¹⁷ See for details COM (2018) 10 and SWD (2018) 10.

¹⁸ http://www.cms.int/en/taskforce/mikt

https://www.impel-esix.eu/impel-esix-tool/

http://ec.europa.eu/environment/life/publications/lifepublications/lifefocus/nat.htm#wildlife

http://ec.europa.eu/environment/life/project/Projects/index.cfm?fuseaction=search.dspPage&n_proj_id=3573#BE NEF

http://www.greifvogelverfolgung.de/

https://rm.coe.int/brief-summary-of-the-pannon-eagle-life-project-goals/1680730d25

https://www.eu-twix.org/

	The EU Member States, the Commission and Europol agreed, within the Enforcement Group, on a few priority target species and trade routes. Dedicated working groups were created within Enforcement Group on these activities, which have also been included in Europol's activities.
Action 13 Improve cooperation among Member States on cases of cross- border wildlife trafficking	The activities of Europol and Eurojust linked to wildlife trafficking have increased since the adoption of the Action Plan. To support the implementation of the EU Policy Cycle for serious international and organised crime (the priority "environmental crime" includes wildlife trafficking), the Commission provided financial support to Member States' activities with an amount of EUR 4 million/year for 2017 and 2018.
	Many Member States and Europol participated in cross-border operational actions, such as operations LAKE and ABAIA on illegal trade in eels ²⁵ , operation TEMBO on the control of export of wildlife commodities in courier/postal parcel shipments, or operation SUZAKU on illegal trade in birds ²⁶ .
	Since 2016, Eurojust has been confronted with eight cases of illicit wildlife trafficking, half of them being multilateral. In most instances, Eurojust improved collaboration among competent judicial bodies by setting up coordination centres and coordination meetings. In cross-border cases, arrangements with Europol were made to establish informal working contacts and, thus, support investigations of environmental crime. With respect to the European Multidisciplinary Platform Against Criminal Threats (EMPACT), the Swedish police developed an operational action plan (OAP) to strengthen the cooperation with the other Nordic countries.
Action 14 Review the EU policy and legislative framework on environmental crime in	The Commission is currently reviewing Member States' policies and legislation on environmental crime. A report highlighting the main trends and practices throughout the EU is in preparation. In that report, the Commission shall review and identify the merits of EU legislation on environmental crime (Directive 2008/99).

line with the European Agenda on Security

https://www.europol.europa.eu/newsroom/news/eu-law-enforcement-step-efforts-to-protect-environment---48-arrested-for-trafficking-endangered-species
https://www.europol.europa.eu/newsroom/news/illegal-trade-in-endangered-species-29-arrests-and-over-2000-

animals-seized-in-international-operation-sukazu

Objective 2.2 - Increase capacity to combat wildlife trafficking of all parts of enforcement chain and the judiciary

Action 15

Improve cooperation, coordination, communication and data flow between the enforcement agencies responsible in the Member States

Most Member states have put in place coordination mechanisms, or are working on their establishment, to ensure cooperation between all relevant agencies competent to address wildlife trafficking at the national level (police, customs, CITES authorities, inspection services, veterinary services etc.).

This cooperation takes place through meetings between responsible authorities at the national level (annual, twice a year or 'regularly'), or via the establishment of dedicated task forces or Memoranda of Understanding. In the Netherlands, for example, all government authorities involved in CITES enforcement determine, on an annual basis, clear priorities based on an "intervention strategy". A few Member States (notably the United Kingdom) have presented their experience of intraagency cooperation at meetings of the EU Enforcement Group. The Action Plan has been presented to EU Member States customs and law enforcement expert groups, in order to emphasise the importance of a multidisciplinary approach to steer its implementation.

Many Member States have also developed procedures on how to handle wildlife trade offences along the whole enforcement chain (e.g. Austria, Czech Republic, Germany, France), domestically and/or in cooperation with other European and non-European states (e.g. UK cooperation with African countries). Initiatives have also been taken to reinforce cooperation between CITES enforcement agencies and scientific laboratories.

Despite some progress, the cooperation and exchange of information between enforcement agencies remain a challenge in a number of EU Member States, as well as between EU Member States. Some Member States reported that the exchange of information between national agencies occurs on an ad hoc basis or is facilitated through electronic platforms. It is not clear however if this is sufficient to overcome structural or regulatory obstacles often preventing an efficient information sharing system.

At the EU level, many enforcement agencies in EU Member States use the EU-TWIX platform and Member States are increasingly forwarding information to Europol via the SIENA system on wildlife trafficking cases linked to organised crime or with a cross-border dimension, although this could be done more systematically.

Action 16

Improve knowledge base on checks, investigations, prosecutions and judicial proceedings against wildlife trafficking As agreed in the CITES context in 2016, all Member States reported on their seizures of wildlife products to the CITES Secretariat for the first time in 2017. These data have been shared with UNODC and other international agencies for analytical purposes. In addition, an overview of significant wildlife products seizures continues to be published every year at the EU level²⁷.

A database on case law on environmental crime in the EU, including wildlife trafficking, has been developed by ENPE²⁸. The challenge is now to

For the 2016 exercise, see

http://ec.europa.eu/environment/cites/pdf/reports/2016 overview significant seizures.pdf https://www.environmentalprosecutors.eu/node/57

have it populated with examples from all EU Member States and determine if it could be accessed more broadly, as it is currently limited mainly to prosecutors.

The information on prosecutions and judicial penalties linked to wildlife trafficking at the EU level remains scattered. All CITES Parties will have to report (the first time by 31 October 2018) on these issues as part of the newly agreed "CITES implementation report" and Member States are encouraged to reach out to their respective judicial authorities to ensure that the information compiled is as complete as possible.

In 2017, the Commission launched a study on the availability, comparability and consistency of administrative statistical data on recorded crime and on the stages of the criminal justice process in the EU, to look into the availability of statistics in different crime areas (including in relation to trade or possession of protected or prohibited species of fauna and flora). The first results of this study should be available in 2019.

Action 17

Step up training for all parts of the enforcement chain, including joint training activities

Providing training to enforcement agencies is a priority for all Member States, to increase their capacity to combat wildlife trafficking. Twenty Member States reported to have implemented and support various types of trainings for CITES management and enforcement authorities, either in their country or abroad. In some instances, trainings on wildlife trafficking have been integrated within general curricula on criminal activities, notably in police academies (Czech Republic and Finland).

Trainings typically target enforcement authorities, especially inspectors, custom officers and police units. More and more training activities are carried out jointly with the participation of different agencies, which is a way to promote a coordinated approach to combating wildlife trafficking (e.g. Austria, Hungary, Czech Republic, Latvia). In the Netherlands, a national CITES Day is organised every year, which provides an opportunity for all agents involved in CITES and combating wildlife trafficking, including prosecutors, to gather, get to know each other and exchange best practices.

As well, the Dutch Operation Pangolin succeeded in bringing together all enforcement authorities for a campaign against illegal trade of protected plants and animals.

Several Member States (Austria and Belgium) stressed the importance to extend and ensure training for the judiciary, notably through joint training with other authorities.

In April 2016, the EU Agency for Law Enforcement Training (CEPOL) organised a webinar with the aim of raising awareness on wildlife trafficking among law enforcement officers. In February 2017, CEPOL in cooperation with Spain provided training to law enforcement officials involved in combatting and investigating wildlife trafficking, aimed at improving knowledge and cooperation on preventing and investigating wildlife trafficking. For 2018, CEPOL is planning one specially designated activity on wildlife trafficking and one on environmental crimes more broadly.

Further work on identification of training needs for compliance assurance officers and designing of training materials will be undertaken under the

Action Plan on Environmental Compliance and Governance²⁹.

In November 2017, a targeted call for proposals for funding projects aiming to boost operational cooperation between the Member States on environmental crime was launched under the EU Internal Security Fund-Police programme, with an overall budget of EUR 2.5 million.

A number of projects financed under the EU LIFE programme³⁰ also contain a component on training against environmental crime. This is the case notably of the project "LIFE for Danube Sturgeons³¹", which aims at improving enforcement of laws and regulations against sturgeon poaching in Bulgaria, Romania, Serbia and Ukraine. The LIFE programme also supports the activities of ENPE³². Additional support under the LIFE programme could also made available in the future, as wildlife trafficking is explicitly mentioned as a relevant area for future projects to be funded under the LIFE multiannual work programme for 2018-2020 (under the section on "Environmental compliance assurance")³³.

Action 18

Strengthen or, where applicable, establish practitioner networks at national and regional level, and improve cooperation between them

Little information was provided by Member States on the establishment of wildlife enforcement practitioner networks at regional and national levels.

At the EU level, networks of environmental inspectors, prosecutors, judges and enforcement agencies reported on a large array of initiatives launched since the adoption of the Action Plan.

ENPE, through its working group on wildlife crime, worked on data gathering and awareness raising on judicial cooperation and prosecutions of wildlife crimes in Europe, through activities such as the establishment of a database on environmental crime case law and specific trainings for prosecutors.

In the same vein, the EU Forum for Judges for the Environment organised several workshops and events of relevance to wildlife trafficking, especially in relation to the illegal killing, trapping and trade of wild birds.

IMPEL has been running a project on hunting tourism³⁴ and a project to contribute to the elimination of illegal killing of birds³⁵. This project includes the establishment of IMPEL-ESIX, a real-time communication tool for information exchange and cooperation in the area of nature conservation issues between enforcement officials, national authorities and (inter-)national and regional stakeholder organisations. IMPEL is planning to run in 2018 a project to improve the circulation of information and intelligence (types of criminal activities, seizures, etc.) on different types of illegal activities (e.g. related to birds and to timber). ³⁶
Joint meetings of these EU networks have been organised every year to allow the sharing of information and best practices on the investigations,

See for details Annex 1 to SWD (2018) 10,

http://ec.europa.eu/environment/legal/pdf/SWD 2018 10 F1 OTHER STAFF WORKING PAPER EN V5 P1 959220. pdf

http://ec.europa.eu/environment/life/

https://danube-sturgeons.org/the-project/

http://ec.europa.eu/environment/life/project/Projects/index.cfm?fuseaction=search.dspPage&n_proj_id=5353

See http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1518531793134&uri=CELEX:32018D0210

https://www.impel.eu/projects/hunting-tourism/

³⁵ Available at https://www.impel.eu/projects/contributing-elimination-illegal-killing-birds/

https://www.impel.eu/projects/good-practices-in-the-implementation-of-the-eu-action-plan-against-wildlifetrafficking/

prosecutions and sanctioning of environmental cases, with the latest one taking place in Oxford in September 2017.

One important challenge for these networks is to consolidate and expand their membership to reach out to an even wider range of practitioners.

Action 19

Improve care of seized or confiscated live animals or plants

Improving the care of seized and confiscated live animals and plants remains a challenge for many Member States. France reported on its plan to establish a new quarantine centre for seized live animals at Roissy-Charles De Gaulle airport. Hungary reported on the adoption of guidance to authorities on how to license rescue centres, with the subsequent licensing of several rescue centres taking place in 2017. Hungary also reported on their cooperation with the World Parrot Trust on a project to re-introduce confiscated African grey parrots to Tanzania. Specific workshops were also organised to train enforcement officers for better care of specimens and raise awareness on this subject matter (Germany).

Objective 2.3 - Fighting organised crime more effectively

Action 20

Regularly assess the threat posed by organised wildlife trafficking in the EU An important development occurred with the EU Ministers for Justice and Home Affairs deciding for the first time to include environmental crime as a priority under the "EU Policy Cycle on serious and organised crime", for the period 2018-2021. Wildlife trafficking is singled out as a specific priority in that context. This means that more resources will be devoted to addressing wildlife crime in the EU and that Europol and enforcement agencies in the Member States will increase further their action in that field. The actions foreseen under this priority are spelled out in a Multi Annual Strategic Plan³⁷ and through annual Operational Action Plans (OAPs). The OAP for 2018 includes 17 concrete operational actions.

The Europol SOCTA³⁸ report for 2017 covers wildlife crime, based on different sets of data including national threat assessments. The new Strategic Analysis Unit at Europol has started to work on regular threat assessments covering various regional illegal trade phenomena.

At the national level, a few Member States indicated that they will work on a more systematic assessment of wildlife-related cases to evaluate those which could be qualified as "organized" crime.

Action 21

Boost capacity of relevant experts to tackle the links of wildlife trafficking with organised crime, including cybercrime and related illicit financial flows

Many Member States reported on initiatives by their enforcement authorities to step up activities against wildlife trafficking occurring online. This includes cooperation between CITES enforcement agencies and cybercrime units, as well as regular internet monitoring exercises on trade in protected species. At the EU level, a workshop on the trafficking in endangered species occurring through internet market places and social media took place on 8 November 2017 at Europol headquarters, in the presence of wildlife and cybercrime enforcement agencies from the Member States. The Commission and some Member States are also taking part in the working group set up in by the CITES Standing Committee on wildlife cybercrime, which is due to report back to the Committee meeting in October 2018.

Limited progress was reported by Member States on investigations of

http://data.consilium.europa.eu/doc/document/ST-11806-2017-INIT/en/pdf

Serious Organised Crime Threat Assessment – see https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017

money laundering linked to wildlife trafficking. As an example, Operation Abaia led to the arrest of 17 people involved in the trafficking of glass eel, as well as to the seizure of luxury cars, EUR 1 million in cash and gold bars³⁹. Many EU Member States contributed to the research report issued in 2017 by UNODC and the Asia/Pacific Group on Money Laundering "Enhancing the Detection, Investigation and Disruption of Illicit Financial Flows from Wildlife Crime"⁴⁰. The United Kingdom's Illegal Wildlife Trade Challenge Fund has also funded work building capacity to investigate illicit financial flows in Southern Africa.

The issue of wildlife trafficking has been put on the agenda of the CARIN network of asset recovery practitioners. At the CARIN Annual General Meeting held in Stockholm on 11-13 October 2017, the Secretariat of the Asset Recovery Interagency Network for South Africa delivered a presentation on the scale of wildlife trafficking in the region, on the financial flows toward other regions (notably Asia) and on some cases being investigated. The issue of money laundering linked to wildlife trafficking has not yet been brought as such to the agenda of the intergovernmental Financial Action Task Force⁴¹.

Action 22

Member States ensure, in line with international commitments made, that organised wildlife trafficking constitutes throughout the EU a serious crime under the UN Convention against Transnational Organized Crime, i.e. that it is punishable by imprisonment of a maximum of at least four years

The information provided by the Member States does not provide a comprehensive picture on how their legislation corresponds to the international commitment that organised wildlife trafficking should constitute a serious crime under the UN Convention against Transnational Organised Crime, i.e. be punishable by imprisonment of a maximum of at least four years. A few Member States indicated that their legislation was already compliant with this threshold (Hungary, Lithuania and Slovakia); some Member States indicated that their legislation had been recently amended to increase sanctions linked to wildlife trafficking (France and Finland) while others (Denmark, Estonia, Czech Republic and Luxembourg) indicated the procedure to introduce such changes was ongoing.

Action 23

Member States review, in line with UNGA Resolution, national legislation on money laundering to ensure that offences connected to wildlife trafficking can be treated as predicate offences and are actionable under domestic proceeds of crime legislation

Information from the Member States is limited when it comes to the inclusion of wildlife trafficking as a predicate offence in their national legislation. The European Commission proposal for a Directive on countering money laundering by criminal law (COM 2016/826) explicitly makes wildlife trafficking as defined in Directive 2008/99/EC a predicate offence for the purposes of money laundering. The discussions are ongoing with the Parliament and the Council as part of the ordinary legislative process on this proposal.

http://www.fatf-gafi.org/

41 ...

https://www.europol.europa.eu/newsroom/news/17-arrested-for-smuggling-glass-eels-worth-eur-10-million

https://cites.org/sites/default/files/eng/com/sc/69/inf/E-SC69-Inf-05.pdf

Objective 2.4 - Improve international cooperation on enforcement against wildlife trafficking

Action 24

Step up cooperation on enforcement between the Member States and EU enforcement actors and key non-EU countries and other regional Wildlife Enforcement Networks, relevant global networks

<u>and</u>

Action 25

Support capacity building for law enforcement in key source and market countries With respect to Objective 2.4 (Improve international cooperation on enforcement against wildlife trafficking), most EU Member States took part actively in joint international law enforcement operations organised after the adoption of the Action Plan, such as Operations Thunderbird and Thunderstorm⁴² coordinated by Interpol in 2017 and 2018 respectively. A number of Member States are members of the Interpol working group on wildlife crime, which meet approximately once a year to increase international enforcement cooperation on wildlife trafficking.

Wildlife trade enforcement agencies from China and Hong Kong Special Administrative Region were invited to a dedicated session of the wildlife trade enforcement group meeting in April 2018, in order to enhance cooperation on specific enforcement priorities. The UK and the Czech Republic have also engaged into bilateral cooperation with enforcement authorities from Vietnam, in view of the importance of this country as destination for illegal wildlife commodities exported from Europe. Spain has been working on enforcement cooperation with Mexico, especially on exotic bird trafficking. Some Member States (Belgium, France, Germany, The Netherlands and The United Kingdom) also reported on their capacity-building activities in support of enforcement agencies in third countries in Africa or Asia. Examples include the establishment of "Africa Twix" in Central Africa (supported by Belgium and Germany), enhancement of customs control in the port of Mombasa (supported by the Netherlands) or the training of rangers by the British military in Gabon and Malawi.

The EU has consolidated and increased substantially its financial support to the activities of the International Consortium for Combating Wildlife Crime (ICCWC) – see Action 26.

On a regional scale, a Nordic network on wildlife trafficking, gathering both Northern EU and non-EU countries, is being developed to contemplate common strategies for protecting Arctic flora and fauna species.

Another example is the secondment by the French police of an officer to the environmental department of Interpol to work specifically on programmes against wildlife trafficking

The project "Enhancing cooperation with Indonesia on trade in wildlife products" includes cooperation on enforcement among its objectives.

https://www.europol.europa.eu/newsroom/news/wildlife-crime-european-seizures-and-arrests-in-global-operation-thunderstorm

PRIORITY 3: Strengthening the global partnership of source, consumer and transit countries against wildlife trafficking

Objective 3.1 – Provide increased, more effective and more strategically focused support to developing countries

Action 26

Ensure that wildlife trafficking is considered for EU funding under relevant programmes in the areas of natural resources management, environment, organised crime, security and governance

Since the launch of the Action Plan, significant EU funds for international cooperation and development have contributed to achieving its wide-ranging objectives and actions, including many actions only indirectly targeting wildlife trafficking but with a significant positive impact.

In the years 2016 and 2017, around EUR 340 million have been allocated under the EU development and cooperation policy to projects and programmes related directly or contributing to the implementation of the plan. This comes on top on many EU-funded wildlife-related programmes that have been running for many years already. Sub-Saharan Africa received the most funds (EUR 29 million for continental programmes, EUR 130 million for Central Africa and EUR 24 million for other sub-regions), but no region has been left behind, as approximately EUR 45 million have been allocated to South America and the Caribbean and EUR 38 million to Asia and Pacific islands. On top of this, about EUR 73 million have been granted to projects implementing wildlife trafficking-related actions in a more global way. The 'Sustainable Wildlife Management' programme (EUR 45 million), for example, contributes to the conservation of wildlife and ecosystems in ACP countries (Africa, Caribbean, Pacific islands), while improving living conditions and food security for the local communities that depend on such resources. Other significant projects include the Save-Our-Species programme (EUR 12 million, implemented by IUCN) and the Cross-Regional Wildlife Programme (EUR 17 million, implemented by UNODC) which cover all four regions of sub-Saharan Africa. The most relevant objectives of the plan for EU external action and development policy are the ones related to

- Rural communities, and their engagement in the management and conservation of wildlife and development of sustainable and alternative livelihoods (Objective 1.2);
- (ii) Enforcement against wildlife trafficking at every level of the chain (Objectives 2.2, 2.3, 2.4); and
- (iii) The implementation of the indicative conservation actions recommended in the strategic study "Larger than Elephant. a Strategic Approach for Wildlife Conservation in Africa" (Objective 3.1).

However, because several results listed in the Action Plan are targeted within a great number of individual contracts, it is difficult to estimate how much money was allocated, or contributes, to each particular objective. For instance, many of the EU's wildlife-related programmes aim to conserve and protect national parks (Objective 3.1) while building capacities of rural communities to sustainably manage their natural resources and develop alternative livelihoods in and around these protected areas (Objective 1.2).

In 2018, EUR 43.5 million will also be granted to organisations and projects that fall within a new programme specifically designed to implement the EU Wildlife Action Plan through law enforcement and

combatting wildlife and forest crime. This programme consists first in supporting the contribution of civil society and local communities to the fight against wildlife and forest crime (about EUR 30 million) in South East Asia, South America, and Africa. The second component (EUR 13.5 million) enhances the activities of ICCWC, with a view to improving wildlife and forest law enforcement in targeted countries and international coordination.

In addition, the Commission has launched projects financed under the Partnership Instrument to support EU-China, EU-Indonesia and EU-Mexico efforts and cooperation against wildlife trafficking.

Member States (Germany, United Kingdom, France) have also been providing financial support to national or regional programmes against wildlife trafficking through their development cooperation policy (see as well Actions 4, 5 and 25). The EU, Germany, the Netherlands, France and Belgium are contributing to the African Elephant Fund 43. Finland reported on a multiannual project against illegal logging in Laos, conducted jointly with the World Bank.

The project "Enhancing cooperation with Indonesia on trade in wildlife products" addresses the subject from two sides: on the one hand it facilitates cooperation with Indonesian authorities on compliance with the CITES regulation to ensure regularity of wildlife trade, the sustainable management and protection of species and on the other hand it facilitates cooperation with Indonesia to strengthen the fight against illegal wildlife trafficking.

Action 27

Increase effectiveness of funding support against wildlife trafficking Some Member States reported on their participation in the World Bank's Global Wildlife Programme, which is designed inter alia to ensure coordination of donors' activities against wildlife trafficking.

Objective 3.2 Strengthen and coordinate better action against wildlife trafficking and its root causes with relevant source, transit and market countries

Action 28

Step up dialogue with key source, transit and market countries, including dialogue with local communities, civil society and the private sector The EU has been actively engaged in bilateral dialogues with a number of third countries on wildlife trafficking issues, through direct contacts or through the work of the EU Delegations in China (including Hong Kong SAR), USA, Mexico, Guatemala, Colombia, Vietnam, Laos, Indonesia, Tunisia, Cameroon, Madagascar, Tanzania, Kenya, Mozambique, Zimbabwe, Botswana, Zambia, Namibia, Senegal, Gabon, Guinea, Morocco and South Africa. A dedicated seminar on wildlife trafficking gathered participants from many EU Delegations in Brussels in February 2017 to raise their awareness on the problem and highlight their role in promoting an ambitious agenda in their bilateral policy, development and trade cooperation with third countries. In some of these countries, the EU Delegations have created or joined platforms with Member States and other international partners, which work in cooperation with the local authorities on issues related to wildlife trafficking.

EU Delegations have, for example, been instrumental in:

_

http://www.africanelephantfund.org/

- promoting in third countries the implementation of CITES recommendations, of the "ICCWC toolkit⁴⁴" or the MIKES programme⁴⁵,
- facilitating field missions by the CITES Secretariat,
- encouraging the adoption of new legislative or regulatory measures or the follow-up of concrete wildlife trafficking cases in courts.

In some cases, Delegations have also provided technical assistance to the host countries. Many work in close contact with international organisations such as Interpol or UNODC, civil society groups (for example the EAGLE Network) and local communities, notably those involved in EU-funded programmes.

Wildlife trafficking issues feature regularly in bilateral policy dialogues between the Commission and third countries.

In the wake of the Conferences organised in 2014, 2015 and 2016, leaders from source, transit and consumer countries will be invited by the United Kingdom to London in October 2018 for a fourth high-level Conference on wildlife trafficking⁴⁶.

Action 29

Use EU trade policies and instruments proactively to support action against wildlife trafficking The EU is using various trade-related instruments to press for actions against wildlife trafficking, including through the inclusion of specific provisions in future Free Trade Agreements (for example with Vietnam), the implementation of the Generalised

System of Preferences (GSP+) regime, as well as work at the multilateral level in the World Trade Organisation (notably via a presentation of the EU Action Plan against Wildlife Trafficking at the WTO Committee on Trade and Environment in November 2016).

Action 30

Strengthen cooperation against wildlife trafficking with relevant regional organisations, such as the African Union, SADC, the East African Community, ASEAN, and in relevant multilateral for a, such as ASEM.

The promotion of cooperation against wildlife trafficking features in the ASEAN-EU Plan of Action for 2018-2021⁴⁷. At the summit between the EU and the African Union in December 2017, both sides also committed to address illegal exploitation of natural resources and wildlife trafficking⁴⁸.

Objective 3.3 Address security dimension of wildlife trafficking

Action 31

Improve knowledge base and develop strategies to tackle the links between wildlife trafficking and security In order to ensure that interactions between wildlife (conservation and trafficking) and security are fully understood and addressed in the most coherent way by the future EU policy and programming, the Commission has launched a strategic study focused on Sub-Saharan Africa, which will feed into the larger conservation, development, security nexus approach of which the Action Plan against Wildlife Trafficking is a key component. This study should be published in the course of 2018.

As an example of relevant activities by Member States, through its

⁴⁴ https://www.unodc.org/unodc/en/wildlife-and-forest-crime/wildlife-and-forest-crime-analytic-toolkit.html

https://cites.org/eng/prog/mike/proj/mikes

⁴⁶ http://www.illegalwildlifetrade.net/2017/11/24/london-2018-illegal-wildlife-trade-conference-oct-10-11-2018/

http://asean.org/storage/2017/08/ASEAN-EU-POA-2018-2022-Final.pdf

http://www.consilium.europa.eu/media/31991/33454-pr-final declaration au eu summit.pdf

financial support to ICCWC, the United Kingdom is funding UNODC to conduct a threat assessment in West and Central Africa which will look at the security component of illegal wildlife trafficking.

Objective 3.4 Strengthen multilateral efforts to combat wildlife trafficking

Action 32

Support the adoption and implementation of strong decisions, resolutions and political declarations on wildlife trafficking in international instruments and multilateral fora

The EU and its Member States played a very active role at the 17th Conference of the Parties (CoP) to the Convention on International Trade in Endangered Species (CITES) in 2016. The EU tabled a significant number of proposals to this meeting. This included the listing of new species in CITES, in particular rare and valuable reptiles and birds, which are traded into the EU as exotic pets (see also Action 3). The EU successfully proposed a Resolution which, for the first time in CITES, clearly recognises that corruption is a key enabler for wildlife trafficking and calls on CITES Parties and bodies to prevent, detect and penalise it (see Action 8). The EU also pushed at the CITES CoP and at the CITES Standing Committee meeting in November 2017 for targeted recommendations and sanctions to improve the fight against ivory, rhino horn, rosewood and tiger trafficking. The EU provides specific financial support for the implementation of CITES CoP decisions and continues to follow up closely on their implementation.

The EU contributed to the development and adoption of the Resolution on "Illegal trade in wildlife and wildlife products" adopted by the 2nd UN Environment Assembly in 2016 and participated in the Hanoi Conference on Illegal Wildlife Trade in November 2016. The EU is supporting the inclusion of wildlife trafficking on the agenda of other international bodies, in particular the G7 and G20. Bringing wildlife trafficking to all other relevant fora, including the Financial Action Task Force, remains a challenge.

The EU and a number of Member States participated actively in the 6th Meeting of the Bern Convention Group of Experts on the Conservation of Birds (21 June 2017) and in the Joint Meeting of the Bern Convention Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds and the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT).

The scoreboard developed under MIKT was subsequently reflected in CMS Resolution 11.16 (Rev COP12) and Recommendation No. 196 (2017) of the Standing Committee of the Bern Convention.