



Council of the  
European Union

039894/EU XXVI. GP  
Eingelangt am 25/10/18

Brussels, 25 October 2018  
(OR. en)

13596/18

ENV 693  
JAI 1051  
CRIMORG 136  
RELEX 901  
DEVGEN 177  
COMER 106  
EUROJUST 143  
ENFOPOL 514  
ENFOCUSTOM 209

#### COVER NOTE

---

From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 24 October 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

---

No. Cion doc.: COM(2018) 711 final

---

Subject: REPORT FROM THE COMMISSION TO THE COUNCIL AND THE  
EUROPEAN PARLIAMENT  
Progress report on the implementation of the EU Action Plan against  
Wildlife Trafficking

---

Delegations will find attached document COM(2018) 711 final.

---

Encl.: COM(2018) 711 final



Brussels, 24.10.2018  
COM(2018) 711 final

**REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN  
PARLIAMENT**

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

{SWD(2018) 452 final}

## 1. Introduction

In February 2016, the European Commission adopted a Communication entitled ‘EU Action Plan against Wildlife Trafficking’<sup>1</sup> containing a comprehensive strategy to fight wildlife crime inside the European Union (EU) and to strengthen the EU's role in the global fight against these illegal activities. The Action Plan contains 32 actions, structured around three priorities: (i) **preventing** wildlife trafficking and addressing its root causes; (ii) implementing and **enforcing** existing rules and combating organised wildlife crime more effectively; and (iii) strengthening the **global partnership** of source, consumer and transit countries against wildlife trafficking.

On 20 June 2016, the Council of the EU adopted conclusions<sup>2</sup> on the Action Plan, endorsing its three priorities and calling for its timely implementation. The European Parliament also welcomed the Action Plan in a November 2016 resolution<sup>3</sup>.

The Action Plan covers a five-year period from 2016 to 2020. Both the Action Plan and the Council conclusions indicate that the European Commission should report by July 2018 on progress in implementing the Action Plan and on whether its priorities and objectives are still appropriate and relevant.

This report presents an overview of progress that all relevant actors have made in implementing the Action Plan, based primarily on the information submitted by 25 EU Member States, the European External Action Service, Europol, Eurojust and European networks specialising in the enforcement of EU environmental law.

More information on the measures taken to implement the Action Plan can be found in the staff working document accompanying this report. The contributions from the Member States have been made available on the Commission website<sup>4</sup>.

## 2. Key steps taken since the adoption of the Action Plan in 2016

This section summarises the most important steps taken since 2016 to pursue the three priorities of the Action Plan, as well as, where relevant, the additional measures planned to attain its objectives.

---

<sup>1</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2016:87:FIN>

<sup>2</sup> <http://data.consilium.europa.eu/doc/document/ST-10512-2016-INIT/en/pdf>

<sup>3</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0454+0+DOC+XML+V0//EN>

<sup>4</sup> [http://ec.europa.eu/environment/cites/trafficking\\_en.htm](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. Combating wildlife trafficking can only be successful if its structural drivers are addressed.

**Reducing the demand** for illegal wildlife products is a key element of the EU strategy against wildlife trafficking and many initiatives have been launched with this goal. The EU and some Member States have been supporting public authorities and civil society organisations in Asia in their efforts to curb the demand for illegal wildlife products, notably from rhinoceros, elephants and pangolins. Acknowledging that the EU is also an important market for wildlife products, unprecedented efforts have been made to raise the awareness of business, consumers and the general public about the features and scale of wildlife trafficking in the EU. Many Member States have carried out information campaigns on wildlife trafficking, sometimes focusing on specific sectors of particular relevance (e.g. exotic pets, musical instruments, air transport or online trade). Similar efforts have also been made at EU level, through workshops on the role of the EU business sector in the fight against wildlife trafficking and through direct contacts with business representatives.

While good progress has been made in many relevant sectors, the Commission and the Member States need to do more. Particular emphasis should be placed on online trade and courier companies, given the significant 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 actors such as ornamental fish and exotic pet trade associations, to confirm commitments and obtain concrete results in the fight against illegal wildlife trade and to promote sustainable sourcing of wildlife products.

The EU and its Member States have been very active in their efforts to make sure that **intra-EU trade and export of ivory items** do not contribute to elephant poaching and illegal ivory trade. In line with action 2 of the Action Plan, in May 2017, the Commission adopted a guidance document<sup>5</sup> 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 exporting raw ivory, except in very specific situations, such as for scientific, enforcement or educational purposes.

In addition, the Commission organised a public consultation from 15 September to 8 December 2017 to gather 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 pursue in its approach against ivory trafficking<sup>6</sup>. The results of this consultation show a lot of support from the almost 90 000 respondents for tightening the current EU rules on ivory trade. A large majority of respondents see this as a necessary step to avoid ivory items of legal and illegal origin being mixed, to prevent ivory items from being purchased in the EU and subsequently transported to third countries, where they would fuel the demand for illegal ivory items, and to assist the work of enforcement agencies against ivory trafficking. Other respondents opposed further limits on elephant ivory trade to and from the EU, especially for antiques.

---

<sup>5</sup> [http://ec.europa.eu/environment/cites/pdf/guidance\\_ivory.pdf](http://ec.europa.eu/environment/cites/pdf/guidance_ivory.pdf)

<sup>6</sup> See link to the consultation and to the analysis of its responses here: [https://ec.europa.eu/info/consultations/public-consultation-ivory-trade-eu\\_en](https://ec.europa.eu/info/consultations/public-consultation-ivory-trade-eu_en)

**The EU market should not fuel demand for species that have been harvested illegally or unsustainably.** This is why the EU, in close cooperation with range states, has been playing a proactive role in extending the scope of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to new species threatened by international trade, thereby awarding them international protection. This is especially the case for exotic pets, for which the EU is an important market, and for tropical timber and marine endangered species. The EU was a key player on this issue at the 17<sup>th</sup> Conference of the Parties (CoP17) to CITES in 2016 and is working actively in preparation for CoP18 in 2019.

Promoting the role of **local communities** in wildlife protection has also been a priority for the EU and its Member States. This is a central component of the EU-funded programmes for biodiversity protection and against wildlife trafficking (see priority 3).

The EU and its Member States have played a pivotal role in ensuring that **corruption** is recognised at international level as a major enabler of wildlife trafficking. A CITES Resolution was adopted on this, based on a proposal by the EU, at CoP17. On the initiative of Germany, high-level principles on combating corruption linked to wildlife trafficking were also endorsed by the G20 in July 2017. Since then, the EU has been pushing, particularly through its Delegations in third countries, for concrete action against corruption linked to wildlife trafficking.

## **Priority 2 – Implementing and enforcing existing rules and combating organised wildlife crime more effectively**

The second priority of the Action Plan is to make enforcement of EU rules against wildlife trafficking at EU and Member State level more effective.

Significantly, in May 2017, the Council included **environmental crime as a priority for the EU Policy Cycle on organised crime** for 2018-2021. The Council made it a priority to disrupt organised crime groups involved in environmental crime, more particularly wildlife and illicit waste trafficking. In the context of the 2018-2021 EU Policy Cycle, the Multi-Annual Strategic Plan (MASP) on Environmental Crime, agreed upon by the Commission and the Member States, was adopted in September 2017. It describes the scope of the problem, lists the existing activities and policies in the area of environmental crime and identifies existing and potential vulnerabilities. It also sets seven strategic goals under which the actors, types of measures and benefits of these measures are listed. These goals are:

- forming an intelligence picture;
- operational activities;
- prevention and capacity-building;
- cooperation with non-EU partners;
- tackling document fraud;
- financial investigations; and
- online trade in (il)licit goods and services.

The MASP is implemented through annual Operational Action Plans. This recognition should increase the mobilisation and operational capacities of Europol and EU Member States' enforcement agencies against environmental crime, and in particular wildlife trafficking. The Commission also adopted in January 2018 a Communication on 'EU actions to improve environmental compliance and governance'<sup>7</sup>. One of these actions focusses on the preparation of a good practice guidance document on combatting environmental crime, with a particular emphasis on waste and wildlife offences. Measures related to training and better deployment of expertise on environmental compliance assurance are also relevant<sup>8</sup>.

**Strategic enforcement priorities** have been defined at EU level and implemented both nationally and through cross-border joint actions, notably against trafficking of ivory, eels, reptiles and birds. Major cross-border investigations and seizures have been carried out throughout the EU, with the active involvement of Europol, Eurojust and many law enforcement agencies from different Member States (see Box 1). The **mobilisation of enforcement agencies** against wildlife trafficking has increased substantially in some Member States. Ensuring a level playing field across the whole EU and a strong enforcement response from all Member States against wildlife trafficking should now be a priority. The reported cases of successful prosecutions and sanctions linked to wildlife trafficking have involved document fraud, money laundering or organised crime, as well as asset recovery. It is important, however, to improve the judiciary's awareness of wildlife trafficking, as the information on prosecutions and sanctions in this area remains limited. Little progress has been reported in investigations into money laundering linked to wildlife trafficking. Many Member States and stakeholders have observed the need for more investigations into the online trade dimension of wildlife trafficking.

#### **Box 1 – Seizures of wildlife products in the EU in 2016**

In 2016, the competent authorities of 24 EU Member States reported to the European Commission a total of 2 268 significant seizures of wildlife commodities, 63 % of them at **external EU borders**. The main commodity groups seized at EU borders were medicinal products (42 %), ivory (14 %), corals (10 %), reptile parts and derivatives (7 %), live reptiles (5 %), caviar (4 %) and plants. The commodities seized on import mostly came from China, the USA, Switzerland and Thailand, while most of the commodities seized on export were destined for China (including Hong Kong Special Administrative Region), the USA and Vietnam. Most of the seizures were made at airports, with more of the seized commodities having been transported through postal or fast parcel shipments than in previous years.

More than two tonnes of **ivory** were seized in 2016. Most of this ivory was not destined for the EU market and consisted of items that were either in transit through European airports or mail centres from Africa to Asia, or about to be re-exported without the required documentation to Asia (mostly old ivory items).

**Eel** trafficking currently represents one of the biggest challenges for the EU and its Member States in their fight against wildlife trafficking. During the 2016-17 fishing season, 48

<sup>7</sup> [http://ec.europa.eu/environment/legal/pdf/COM\\_2018\\_10\\_F1\\_COMMUNICATION\\_FROM\\_COMMISSION\\_TO\\_INST\\_EN\\_V8\\_P1\\_959219.pdf](http://ec.europa.eu/environment/legal/pdf/COM_2018_10_F1_COMMUNICATION_FROM_COMMISSION_TO_INST_EN_V8_P1_959219.pdf)

<sup>8</sup> For details on the individual actions under the Action Plan on Environmental Compliance and Governance, see Annex 1 to Commission Staff Working Document SWD(2018) 10 final.

persons were arrested and 4 000 kg of live juvenile eels (glass eels) seized; the eels were intercepted as they were being exported to Asia and their total value was approximately EUR 4 million<sup>9</sup>. Investigations by Europol and some EU Member States point to the involvement of transnational organised crime networks in smuggling eels out of Europe.

Most Member States reported that **training courses** had been carried out at national level by their authorities, with an increasing number of courses organised jointly with different agencies (customs, police, inspection services, CITES management authorities, etc.). Many training activities have also been organised at EU level, under the supervision of CEPOL<sup>10</sup> or the practitioners' networks working on environmental crime. EU-funded environment and police cooperation programmes have also been used to promote training of enforcement officials to fight wildlife crime (see Box 2).

### **Box 2 – Financial support for the fight against wildlife crime in the EU**

The EU is funding many specific projects and initiatives against wildlife crime, mainly from the **LIFE** programme<sup>11</sup>. LIFE is providing EUR 1.1 million for the 'LIFE for Danube Sturgeons<sup>12</sup>' project (2016-2020), which aims to improve enforcement of laws and regulations against sturgeon poaching and illegal caviar trade in Bulgaria, Romania, Serbia and Ukraine. LIFE also supports activities run by the European Network of Prosecutors for the Environment (ENPE), including the development of new training tools on environmental crime for prosecutors and judges and the creation of a database of good practices (EUR 645 000 for 2015-2020). Furthermore, LIFE provides support to projects against the illegal killing of birds throughout the EU, primarily to foster the implementation of the EU Roadmap towards eliminating the illegal killing, trapping and trade of birds<sup>13</sup>. The recently published brochure *LIFE & Wildlife Crime*<sup>14</sup> contains comprehensive information on the initiatives supported by the LIFE programme against wildlife crime.

In November 2017, the first targeted call for proposals<sup>15</sup> for projects aiming to boost Member States' operational activities on environmental crime, including via training and capacity-building activities for competent authorities, was launched under the EU **Internal Security Fund — Police** programme<sup>16</sup>, with an overall budget of EUR 2.5 million. The fight against wildlife trafficking is explicitly mentioned as one of the priorities under this call.

Many Member States have established **inter-agency cooperation** platforms or task forces on wildlife trafficking. Spain has adopted a national action plan against wildlife trafficking, modelled on the EU Action Plan and setting out a comprehensive strategy to address the problem. The Czech Republic also plans to adopt a similar national action plan by the end of

<sup>9</sup> <https://www.europol.europa.eu/newsroom/news/eu-law-enforcement-step-efforts-to-protect-environment-%E2%80%93-48-arrested-for-trafficking-endangered-species>

<sup>10</sup> European Union Agency for Law Enforcement Training – <https://www.cepola.europa.eu/>

<sup>11</sup> <http://ec.europa.eu/environment/life/>

<sup>12</sup> <https://danube-sturgeons.org/the-project/>

<sup>13</sup> <http://ec.europa.eu/environment/nature/conservation/wildbirds/docs/Roadmap%20illegal%20killing.pdf>

<sup>14</sup> <http://ec.europa.eu/environment/life/publications/lifepublications/lifefocus/nat.htm#wildlife>

<sup>15</sup> <http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/isfp/topics/isfp-2017-ag-env.html>

<sup>16</sup> [https://ec.europa.eu/home-affairs/financing/fundings/security-and-safeguarding-liberties/internal-security-fund-police\\_en](https://ec.europa.eu/home-affairs/financing/fundings/security-and-safeguarding-liberties/internal-security-fund-police_en)

2018. Despite some progress, however, cooperation and exchange of information between enforcement agencies remains a challenge in some Member States. Similarly, not all Member States are exchanging information with other Member States or through Europol. Many Member States see EU-TWIX (see Box 3) as a practical and efficient tool for exchanging information on wildlife trafficking (excluding personal data) across the EU. By contrast, Member States' use of the SIENA platform<sup>17</sup> for exchanging messages on wildlife trafficking varies greatly, depending on the authorities concerned. This hampers effective cooperation and deprives Europol of precious information necessary to build a comprehensive intelligence picture of wildlife trafficking in the EU.

### **Box 3 – EU-TWIX: a successful tool for enforcement cooperation in the EU**

EU-TWIX is a European enforcement support system designed to facilitate information exchange and international cooperation between wildlife law enforcement and management officials. It was created in 2005 on the initiative of the Belgian authorities and TRAFFIC<sup>18</sup> and now connects more than 1 000 officials (e.g. from CITES management authorities, customs services, environmental inspection services, the police and the judiciary) from 37 European countries and 10 international/regional organisations, with financial support from the European Commission and many Member States.

Communication through the EU-TWIX mailing list has triggered several cross-border investigations, including a large-scale investigation into a case involving illegal trading in birds in the Netherlands, with connections to several other European and non-European countries. Approximately 500 specimens of birds were seized, as well as money and property. Three individuals received prison sentences.

The EU-TWIX database currently holds over 55 000 wildlife-related seizure records from the 28 EU Member States from 2000 onwards. This presents a unique opportunity for monitoring illegal wildlife trade trends at national and EU level.

EU-TWIX has also inspired several similar systems worldwide, as detailed in the annex to this report.

### **Priority 3 – Strengthening the global partnership of source, consumer and transit countries against wildlife trafficking**

Since the adoption of the Action Plan, the EU and its Member States have asserted their status as the biggest aid provider in the fight against wildlife trafficking (first donor). Many projects strive to implement the Action Plan by addressing key drivers and determinants of trafficking, particularly in areas such as environmental crime, corruption and the rule of law, insecurity due to armed conflicts, ecosystem services and livelihoods around protected areas, management of natural resources and resilience of local communities.

The EU and many Member States have formed long-term partnerships with third countries to conserve biodiversity and fight wildlife trafficking, recognising the persistent link between

---

<sup>17</sup> The Secure Information Exchange Network Application (SIENA) is a communication platform for law enforcement agencies managed by Europol. <https://www.europol.europa.eu/activities-services/services-support/information-exchange/secure-information-exchange-network-application-siena>

<sup>18</sup> TRAFFIC is a civil society organisation working on wildlife trade issues.



the illegal exploitation of natural resources and the destabilising activities of armed groups, particularly in Central Africa. The Action Plan has provided a significant boost in this area. In addition to pre-existing financial support and ongoing activities, **further significant additional EU funds** (around **EUR 340 million** in Africa, Asia and the Pacific, and South America and the Caribbean) **were mobilised in 2016 and 2017 under the EU development and cooperation policy**.

This includes regional programmes against wildlife crime in Central and Eastern Africa, as well as support for conservation in African, Caribbean and Pacific (ACP) countries and other specific countries (for example Guinea). Under the Biodiversity and Protected Areas Management (BIOPAMA) Partnership Programme, regional priorities in ACP countries also included capacity-building against wildlife crime.

#### **Box 4 – A new EU global programme on wildlife and forest crime**

The EU action ‘Law enforcement and combating wildlife and forest crime’, adopted in 2017, will mobilise EUR 43.5 million to:

- boost the operational capacities of the International Consortium for Combating Wildlife Crime (ICWC) to improve wildlife and forest law enforcement in targeted countries and promote international coordination (EUR 13.5 million);
- support civil society organisations and local communities in preventing and fighting wildlife trafficking in Asia, Africa and Latin America.

This complements existing regional programmes with ICWC members, in particular in Central Africa (UNODC), East/Southern Africa (UNODC, CITES), Asia (UNODC) and through the global MIKE<sup>19</sup> programme (CITES), totalling over EUR 40 million.

Member States (notably France, Germany and the United Kingdom) have also been providing considerable financial support to national and regional programmes against wildlife trafficking through their development cooperation policies. Belgium, France, Germany, the Netherlands and the EU are contributing to the African Elephant Fund<sup>20</sup>.

In addition to providing financial support, the EU has been actively engaged in **bilateral dialogues on wildlife trafficking** with a number of relevant source, transit and market countries. EU Delegations actively promote the implementation of CITES and EU wildlife trade regulations in third countries and provide technical support. The EU also uses its trade policy instruments to press for action against wildlife trafficking, e.g. through the inclusion of specific provisions in future free trade agreements (notably with Vietnam) or via the GSP+ scheme<sup>21</sup>. Finally, the EU has fostered dialogue with regional organisations, such as ASEAN<sup>22</sup> and the African Union, to better address illegal wildlife trade.

A number of Member States are mobilising their diplomatic networks against wildlife trafficking and the UK is planning a high-level conference on wildlife trafficking<sup>23</sup> in October 2018.

<sup>19</sup> Monitoring the Illegal Killing of Elephants. See: <https://cites.org/eng/prog/mike/index.php>

<sup>20</sup> <http://www.africanelephantfund.org/>

<sup>21</sup> Generalised Scheme of Preferences – [http://ec.europa.eu/trade/policy/countries-and-regions/development/generalised-scheme-of-preferences/index\\_en.htm](http://ec.europa.eu/trade/policy/countries-and-regions/development/generalised-scheme-of-preferences/index_en.htm)

<sup>22</sup> Association of Southeast Asian Nations.

<sup>23</sup> <http://www.illegalwildlifetrade.net/2017/11/24/london-2018-illegal-wildlife-trade-conference-oct-10-11-2018/>

**The EU has been equally proactive at the multilateral level**, in particular in the context of CITES, which is the main multilateral instrument against wildlife trafficking and which the EU also supports financially. At CoP17 and the 2017 Standing Committee meeting, the EU actively pushed for targeted recommendations and sanctions to help combat ivory, rhino horn, rosewood and tiger trafficking.

Similarly, the EU and a number of Member States are active players in the discussions on the killing, trapping and trading of birds, for instance as part of the dedicated group of experts set up under the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention). They have also promoted the inclusion of wildlife trafficking on the agendas of the United Nations, the G20, the G7 and other international bodies. More progress is needed to put wildlife trafficking on the agenda of other relevant international bodies and forums, such as the UN Convention against Corruption, the UN Convention on Transnational Organised Crime and the Financial Action Task Force.

### **3. Conclusion**

The Action Plan has generated considerable political attention and support at EU level. One of its first positive effects has been to raise the profile of wildlife trafficking as a priority issue among a wide range of policy-makers, law enforcement agencies and stakeholders in the EU. This has resulted in the adoption of numerous initiatives at EU and national level to fulfil the objectives of the Action Plan. It has also had numerous other positive results: more enforcement measures in the EU; commitments from actors in the private sector to help combat wildlife trafficking; a ban on the export of raw ivory; strong proposals by the EU against wildlife trafficking in multilateral forums (notably under CITES); increased EU funding for capacity-building and international action against wildlife trafficking; and the mobilisation of EU and Member States' diplomatic networks in many third countries against this problem.

Overall, good progress has been made on most of the 32 actions in the Action Plan. Ultimately, the best indicators for assessing its impact are poaching and trafficking levels. Despite some encouraging signs (particularly a decrease in poaching levels for elephants and rhinoceros in recent years), wildlife trafficking continues to thrive and pose a serious threat to biodiversity, the rule of law and sustainable development. There is therefore no doubt that the priorities and objectives set out in the Action Plan remain appropriate and relevant.

The EU and its Member States should further intensify their efforts to reach the objectives of the Action Plan by 2020, when the need for further action will be assessed. This is also relevant for meeting target 15.7 of Sustainable Development Goal 15, which calls for 'urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products'<sup>24</sup>.

---

<sup>24</sup> <https://sustainabledevelopment.un.org/sdg15>