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POLICY DEPARTMENT **A**
ECONOMIC AND SCIENTIFIC POLICY

Economic and Monetary Affairs

Employment and Social Affairs

**Environment, Public Health
and Food Safety**

Industry, Research and Energy

Internal Market and Consumer Protection



Wildlife Crime

Study for the ENVI Committee



DIRECTORATE GENERAL FOR INTERNAL POLICIES
POLICY DEPARTMENT A: ECONOMIC AND SCIENTIFIC POLICY

Wildlife Crime

STUDY

Abstract

This study on wildlife crime was commissioned by Policy Department A at the request of the Committee on the Environment, Public Health and Food Safety. It gives an overview of the state of wildlife crime in Europe based on available documents, EU-TWIX data and empirical research including interviews. The study identifies main routes and species linked to illegal wildlife trade, as well as enforcement deficits. It also develops policy recommendations in view of the upcoming EU Action Plan.

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LIST OF ABBREVIATIONS

ABS	Access and Benefit Sharing
ASEAN	Association of Southeast Asian Nations
ASEAN-WEN	Association of Southeast Asian Nations Wildlife Enforcement Network
BfN	Bundesamt für Naturschutz / Federal Agency for Nature Conservation
BIOPAMA	Biodiversity and Protected Areas Management Programme
BKA	Bundeskriminalamt / Federal Criminal Police Office
CAR	Central African Republic
CCP	Container Control Programme
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CNDP	National Congress for the Defense of the People
COP	Conference of the Parties
DEFRA	Department for Environment, Food and Rural Affairs
DRC	Democratic Republic of Congo
ECD	Environmental Crime Directive
EC-JRC	European Commission Joint Research Centre
ECOFAC	Conservation and rational use of forest ecosystem in Central Africa
EIA	Environmental Investigation Agency
ENPE	International Consortium on Combating Wildlife Crime
ENVI	Committee on the Environment, Public Health and Food Safety of the European Parliament
EnviCrimeNet	European Network for Environmental Crime
EU	European Union
EUCU	European Union's Custom Union
EUFJE	European Union Forum of Judges for the Environment
FATF	Financial Action Task Force
FDLR	Democratic Forces for the Liberation of Rwanda

ICCWC	International Consortium on Combating Wildlife Crime
IFAW	International Fund for Animal Welfare
IMPEL	European Network for the Implementation and Enforcement of Environment Law
IUCN	International Union for Conservation of Nature
LATF	Lusaka Agreement Task Force
LKA	Landeskriminalamt / State Criminal Police Office
LRA	Lord's Resistance Army
MS	Member State
NESTS	National Environmental Security Task Forces
NGO	Non-governmental Organisation
NWCU	National Wildlife Crime Unit
OCG	Organised Crime Group
OECD	Organisation for Economic Co-operation and Development
PAW	Partnership for Action Against Wildlife Crime
RENAMO	Mozambican National Resistance
SEPRONA	Servicio de Protección de la Naturaleza / Environmental Spanish Police
SPLA	Sudan People's Liberation Army
TAM	Traditional Asian Medicine
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNHRC	United Nations Human Rights Council
UNITA	National Union for the Total Independence of Angola
UNODC	United Nations Office on Drugs and Crime
WCO	World Customs Organisation
WEN	Wildlife Enforcement Network
WSPA	World Society for the Protection of the Animals

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EXECUTIVE SUMMARY

Wildlife crime poses not only a real threat to biodiversity, but has also come to be regarded as a security issue in some source countries. While the latter is also relevant to the EU as part of the international community, the EU is first and foremost one of the main global markets for wildlife trade.

The present study gives an overview over the state of wildlife crime in Europe based on available documents, data from the EU-TWIX database which centralises data on seizures reported by the EU Member States, and empirical research including interviews with experts. It has to be noted that any overview on this topic is limited by the fact that comprehensive data on illegal activities are not available; even where data on wildlife crime could be obtained they are not always reliable and coherent.

Illegal wildlife trade within the EU

The EU is both a destination and a transit region for wildlife products. Although European countries seem to have become less important consumers in the trade with African mammals, many countries still seem to have a very important role as a trading hub in that trade. This trade is conducted via the major trade hubs (airports and ports) but new trade hubs (e.g. smaller European airports with direct connections to Africa and Asia) are also emerging.

On the other hand, European countries still seem to be very important consumers and importers of pets, especially of reptiles and birds. As this trade is often not conducted via the main trade hubs, but via the Eastern European land borders and the Mediterranean and Black Sea, enforcement is even more challenging. Moreover, the demand for alternative medicinal products very often produced in Asia from endangered wildlife appears to have increased in Europe.

The available information on trade routes is not very detailed, but the following four important trade routes could be identified:

- Large mammals like elephants, rhinos and big cats from Africa and South America to major trade hubs and for further transit to Asia
- Coastal smuggling of leeches, caviar, fish, as well as reptiles and parrots for the pet trade in Europe
- Endangered birds from South Eastern Europe to Southern Europe
- Russian wildlife and Asian exports via Eastern European land routes.

The overall trend in wildlife crime measured in the number of seizures has been roughly constant in recent years. Seizures are concentrated in countries with large overall trading volumes like Germany, the Netherlands, Spain and France. Overall the UK, Germany and Netherlands are responsible for more than 70% of seizures in 2007-2014. The high number of seizures may also be attributable to well developed enforcement in these countries. The most frequently seized species are reptiles, mammals, flowers and corals.

About half of the seizures are carried out at airports (e. g. London Heathrow, Paris Charles de Gaulle, Frankfurt a. M. and Amsterdam Airport Schiphol). Mailing centres are expected to become more important in the coming years. Most of the products confiscated are reported as imports in the EU-TWIX database although it is not clear whether parts of these imports are destined for re-selling to other countries.

For the illegal trade in wildlife and its products the internet is becoming an increasingly important place.

Legislative frameworks

Overall, the regulatory framework of the EU to combat wildlife crime appears rather robust and fit for purpose. Deficiencies are mainly related to enforcement.

All 25 Member States reviewed (excluding Cyprus, Luxemburg and Malta) have a legal framework in place that defines what constitutes legal and illegal trade in wildlife and transposes the EU legislation into national law. The national legislative frameworks in the majority of Member States consist of both criminal and administrative law provisions. Also, the majority of Member States appear to have legislation in place that goes beyond the EU's wildlife regulation in some regards (e.g. possession of wildlife products, registration of breeders).

Involvement of organized crime and money laundering in wildlife crime

Organised criminal groups (OCGs) are identified in the literature as participating in and profiting from illegal wildlife trade that they consider a low-risk activity with high profit margins. OCGs operating in wildlife trafficking are often involved in multiple types of transnational illegal trade with overlaps of wildlife trafficking specifically with arms and drugs trafficking.

The empirical research conducted for this study does not confirm that organised crime (however defined) is a major issue in relation to wildlife crime within the EU, at least not within all Member States. However, the evidence base on organised environmental crime is in general not very robust; so measures to improve it would be desirable.

Equally, the empirical research conducted for this study has revealed very little information on money-laundering being a relevant factor in relation to wildlife crime in the Member States. This does not mean that there are no such links; however, further efforts would be needed to better understand them.

Enforcement of wildlife regulations in the EU Member States

Insufficient and uneven levels of enforcement of the existing legislation across the EU are a major concern. What is problematic are in particular the varying and often low level of sanctions, a lack of resources, technical skills, awareness and capacity among police forces, prosecutors and judicial authorities, the low priority given to wildlife crime by enforcement institutions and a lack of cooperation between agencies. The distinction between specimens that are captive bred (and can therefore be traded legally) and those that are caught in the wild is often difficult to make and hampers enforcement.

The information provided by Member States on sanctions varies significantly. Only a minority of Member States makes comprehensive information available on the number of criminal proceedings conducted annually. No Member State appears to provide comprehensive information on the sanctions applied in all of these cases.

There are generally few cases reported where offenders in wildlife-related cases have been sentenced to prison. Equally, the level of fines is often relatively low. There is still a lack of empirically grounded knowledge on what sanctions are effective in which circumstances.

It is not possible with the information available to offer robust conclusions on the reasons why the number of proceedings and cases reported vary so significantly. Differences could stem from: 1) reporting itself (i.e. some countries simply having better systems for

monitoring what happens on enforcement), 2) different levels of enforcement (i.e. more or less cases being detected and prosecuted) or 3) different levels of wildlife crime actually taking place. Yet, the quite significant differences between Member States suggest that factors 1) and 2) appear to at least play a certain role.

The administrative responsibilities and organisational set-up of the authorities responsible for enforcing wildlife-related administrative and criminal provisions vary widely between Member States.

There are a variety of forms in which Member States cooperate with other Member States and third countries, e.g. exchange of intelligence or capacity-building. However, the sources reviewed so far do not provide a lot of information on how frequent such cooperation is. Some of the interviewees indicated that they found Interpol and Europol especially valuable regarding requests for mutual assistance.

Only a minority of Member States have a national action plan on wildlife crime as recommended by Commission Recommendation 2007/425/EC.

Added value of an EU Action Plan on wildlife crime

In view of the enforcement deficits widely associated with wildlife crime, an EU Action Plan on wildlife crime appears to be a promising initiative. In particular, the added value of the option preferred by the Commission in its roadmap on the EU Action Plan, compared to Commission Recommendation 2007/425/EC, would consist in a more comprehensive approach including not only enforcement but also prevention and a global partnership. The research team does not see an added value in including legislative amendments on sanctions in an EU Action Plan; in our view harmonisation of sanctions for wildlife crime is, if at all, better addressed in the broader context of the Environmental Crime Directive. The potential added value of an EU Action Plan is also acknowledged by interviewees from selected Member States and participants in the EU Commission's consultation process.

In addition to the key findings and conclusions summarised here the research team has developed policy recommendations in Chapter 6.2 of the study.

1. OBJECTIVE OF THE STUDY AND METHODOLOGY

1.1. Objective of the Study

Wildlife crime poses a real threat not only to biodiversity, but has also come to be regarded as a security issue in some countries. In his statement on World Wildlife Day on 3 March 2015, UN Secretary-General Ban Ki-Moon stated:

‘Illegal wildlife trade undermines the rule of law and threatens national security; it degrades ecosystems and is a major obstacle to the efforts of rural communities and indigenous peoples striving to sustainably manage their natural resources. Combating this crime is not only essential for conservation efforts and sustainable development, it will contribute to achieving peace and security in troubled regions where conflicts are fuelled by these illegal activities.’¹

These multiple impacts of wildlife crime were also recognized in the resolution of the United Nations General Assembly of 15 July 2015 on tackling illicit trafficking in wildlife².

Prominent examples of wildlife crime threatening endangered species include two iconic species, rhino and elephant, which are threatened with extinction because of illegal trade³. Every year, between 20 000 and 25 000 elephants are killed in Africa for ivory, and as many as 100 000 were killed between 2010 to 2012 alone. Rhinos are also significantly threatened by trafficking, with 1 215 rhinos poached in 2014 alone in South Africa, where the majority of rhino poaching takes place⁴. Lesser known and less iconic species such as pangolins – one of the most trafficked species – are also threatened by illegal trade; birds and reptiles are threatened in their millions, and are as important to ecosystems as the iconic species that tend to get more public attention. The illegal trade in timber has also increased in recent years.

Apart from threatening endangered species, wildlife crime is also a lucrative source of income for organised criminal groups⁵, accompanied by an increase in the use of sophisticated money laundering schemes (IFAW 2008).

The European Union (EU) is an important actor both for the fight against wildlife crime and as a major destination market for illegal wildlife products as well as a transit point for trafficking, especially between Africa and Asia. Indeed, in various studies the EU has been characterised as one of the most important markets (van Uhm 2014).

In 2007, the Commission issued a Communication (European Commission 2007) which set out a series of specific recommendations addressed at the Member States, such as providing the necessary resources to authorities for combating wildlife crime, training them, ensuring adequate penalties and enhancing cooperation. While these pieces of legislation as well as the Communication have existed for several years, wildlife crime has become the focus of stronger political attention in more recent years. The European Parliament has recently taken an active stance on wildlife crime, prominently calling on the Commission to

¹ UN Secretary-General Ban Ki-moon’s message for 2015 World Wildlife Day, <http://www.wildlifeday.org/content/un-secretary-general-ban-ki-moon%E2%80%99s-message-2015-world-wildlife-day>

² UN GA Res. A/69/L.80, preambular paragraph 4.

³ See also UN GA Res. A/69/L.80, preambular paragraph 3.

⁴ UNODC (2015): World Wildlife Day 2015: It’s time to get serious about wildlife crime! <http://www.unodc.org/unodc/en/frontpage/2015/March/world-wildlife-day-2015-its-time-to-get-serious-about-wildlife-crime.html>.

⁵ Compare, for example, UNEP (2015): Organized Crime Threat to Wild Species on the Increase, Says UN on Wildlife Day, <http://www.unep.org/newscentre/Default.aspx?DocumentID=26788&ArticleID=34775>.

develop an EU Action Plan on Wildlife Crime as well as on Member States to undertake enhanced efforts to combat wildlife crime and implement the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)⁶.

The **objective** of this study is to provide Members of the Committee on the Environment, Public Health and Food Safety of the European Parliament (ENVI) with an overview of the state of wildlife crime in Europe, based on existing available data, documentation from national and international institutions, and analysis of other sources including academic literature, published NGO studies, previous studies commissioned and/or authored by EU and international institutions, and expert interviews. It shall allow Members of the ENVI Committee to establish an own view of the subject of wildlife crime and the potential role for the EU, including with regards to the effective implementation of recent policies, areas for improvement, and the potential added value of an upcoming EU Action Plan on Wildlife Crime in terms of how it could help to combat wildlife crime in Europe.

1.2. Methodology

The **scope** of the study encompasses in principle the activities covered by Art. 3 of the Environmental Crime Directive (ECD)⁷ and the EU's wildlife trade regulations (see below Chapter 2). Activities that contravene Regulation 995/2010 (Timber Regulation)⁸ and Regulation 1005/2008 (IUU Regulation)⁹ are not covered, at least not systematically. The scope of this study is limited to illegal behaviour, i.e. wildlife trade that is in contravention of the EU's wildlife crime regulations and by implication CITES and/or the ECD. Thus the scope of the study is defined independently of whether certain behaviour is prohibited by criminal or 'only' by administrative legal provisions. The study does not address legal, authorised trade. By terms such as 'EU wildlife crime' we mean activities where an EU Member State is involved as transit, import or export country.

The **methodological approach** for the study is basically two-fold:

First, the study provides an overview of the current main regulations and the existing knowledge of wildlife crime in the EU. This part of the study consists of a short introduction to the CITES framework and the EU legislation on wildlife crime (**Chapter 2**), and of a literature review (**Chapter 3**).

The overview of the legal frameworks focuses on their purpose, structure and the most important and distinctive elements, but also summarises strengths and weaknesses of the current legislative framework of the EU, as identified in the literature and policy documents.

The literature review provides a concise summary of key literature findings from the main academic and official literature sources and studies on wildlife crime, including studies carried out by NGOs, reports commissioned by the EU institutions, and studies published by European and international institutions. A distinct section identifies gaps in the existing literature. The literature review only covers sources that are publicly available, and focuses on literature published in English, thus the vast majority of existing studies on wildlife crime that cover the period since 2007.

⁶ European Parliament resolution of 15 January 2014 on wildlife crime (2013/2747(RSP)).

⁷ Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law. The European Commission has recently published studies on the transposition of this directive into the national legal systems, see http://ec.europa.eu/justice/criminal/criminal-law-policy/environmental-protection/index_en.htm.

⁸ Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market.

⁹ Council Regulation (EC) No. 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

Second, the study addresses some of the gaps identified in the literature review by including data gathered through a four-step approach (see Box 1). This methodological approach takes into account that one of the challenges for evaluating the effectiveness of the EU's and Member States' efforts to combat environmental crime is a shortage of data. Data on various aspects are dispersed, unreliable, not easily accessible for a research project or simply non-existent. For example, in its Communication 'Measuring Crime in the EU: Statistics Action Plan 2011-2015'¹⁰ the European Commission highlights that:

'while the need for factual statistics has long been recognised by the Member States and the European Commission, there is still a lack of reliable and comparable statistical information'.

Box 1: Data gathering through a four-step approach

Step 1: Explorative interviews with key resource persons on the availability and quality of data. The interviewed persons are listed in the **Annex**.

Step 2: Internet-based survey among relevant authorities in 25 Member States.

The researchers developed a questionnaire sent to a maximum of three distinct contact points per country, i.e. a total of almost 75 contact points in 25 Member States, and to Luxembourg with respect to organised crime and money laundering only¹¹. The most appropriate contact points were determined to a large extent on the basis of the interviews with the key resource persons in Step 1. Generally, one contact person from the national CITES Management Authority, one from customs authorities and one from police or environmental inspection authorities were addressed per country. For the survey, the LimeSurvey software was used. Unfortunately, the level of participation was low, with less than 10 completed questionnaires received and only a few questions answered in a meaningful way, so that the survey resulted in relatively few findings.

Step 3: Review of selected official reports and statistics for 25 Member States.

Step 3 consisted of a review of selected official reports and statistics for 25 Member States (Step 3a) combined with a review of sources covering more than one Member State (Step 3b). Step 3 hence complemented Step 2 to ensure that some data would be available for all or at least more Member States, even if there was no response from the authorities of a given Member State in Step 2.

For **Step 3a**, the main data sources used were the biennial reports of the respective country to CITES covering the period from 2007¹², official Member State policies such as action plans on wildlife crime as far as they contain relevant information, and national crime statistics for the years 2012 – 2014. Concerning the biennial reports, the latest report for each Member State was reviewed in depth, extracting data, but also information on implementation, priorities etc., while earlier reports were only reviewed with regard to data contained therein (normally in an Annex). All information was included in a standard "country profile" for each country¹³; the present report was then compiled on the basis of the information contained in the country profiles.

For **Step 3b**, the main data sources used were overarching EU studies on the

¹⁰ Communication from the Commission to the European Parliament and the Council, Measuring Crime in the EU: Statistics Action Plan 2011-2015, COM/2011/0713 final.

¹¹ Malta, Cyprus, and Luxembourg except for organised crime and money laundering issues were not included since due to their size and/or geographical position they are not important hubs in illegal wildlife trade in the EU.

¹² These are available at <http://www.cites.org/eng/resources/reports/biennial.php>

¹³ For Luxembourg in respect to organised crime and money laundering, no country profile was compiled due to the lack of relevant information from the online survey and the biennial CITES report.

implementation of the EU framework in Member States, information obtained from TRAFFIC on trade flows, hubs, confiscations etc., in particular the annual reports “overviews of important seizures in the EU” available for the years 2011 to 2013, and press releases of relevant organisations, notably Interpol and Europol. The most important data source is the EU-TWIX database, a unique source of centralised data on seizures and offences reported by all 28 EU Member States, contained over 37,000 seizure data from 26 EU countries as of February 2014. Access is restricted to officials. Thanks to the support of the EU-TWIX project manager, the research team received extracted data from 22 Member States for the purposes of this study¹⁴.

Step 4: In-depth analysis, including interviews and analysis of further documents, for five selected Member States

The more general analysis for 25 Member States in Steps 2 and 3 was complemented by an in-depth analysis for **five selected Member States** that were selected and agreed with the services of the European Parliament responsible for this study after completion of steps 2 and 3 according to the following criteria:

- The relevance of the Member States in terms of illegal wildlife trade (as entry points, destination, transit hubs) as evident from Steps 2 and 3;
- The expertise of the consortium partners involved in the study with respect to the respective Member State, including language skills and established contacts with relevant authorities;
- The level of the country’s efforts to combat wildlife crime, as evident from Chapter 3 and Step 1; and
- A geographical balance, i.e. at least one country from Eastern, Southern and Northern/Central Europe, respectively.

These five countries were selected:

- **Germany**
- **The Netherlands**
- **Poland**
- **Spain**
- **The United Kingdom**

For these countries the following additional research was carried out:

- An internet-based search covering the following aspects for each country: policy approaches addressed at reducing demand; information on cooperation between authorities and between authorities and NGOs; information on the cooperation between the respective Member State and international bodies
- Two to three structured interviews per country with representatives of relevant authorities or NGOs, based on a standard questionnaire in English, aimed at complementing the information on the country gathered in the preceding steps. The interviewed persons are listed in the **Annex**.

The country experts summarised the results from this research on each country in a standard format and added it to the respective country profile.

¹⁴ The research team has also contacted the World Customs Organisation concerning the CEN database, but was told that it was very unlikely to receive extracted data in time, and if any then very limited data.

The collected data are mainly in English, but also in French, Spanish, German and Dutch. The data are neither cross-checked, nor do the researchers guarantee that the data obtained are reliable and accurate. In case of legitimate doubts over reliability and accuracy, these are highlighted in the study. In fact, it is rather to be assumed that the sources used do not always include reliable, comprehensive and/or coherent data. Police statistics are considered to be unreliable for a variety of reasons; they are mistrusted among academics as well as policy-makers¹⁵. Moreover, and as indicated more in detail below (Chapter 5), CITES reports submitted by EU Member States contain a varying level of details, too. Furthermore, reporting does not always happen in a diligent way. For example, in one CITES biennial report by a Member State indications on units were missing in statistics on seizures or different units were used in different years (number of species or kg).

The data collected through this approach are synthesised and written-up for two distinct chapters providing a systematic overview of available information on wildlife crime in the EU (**Chapter 4**) and of implementation and law enforcement of EU wildlife regulations in the EU Member States (**Chapter 5**). The information contained in the country profiles was used for aggregation of data and identification of trends, and the country experts reviewed Chapters 4 and 5 in order to ensure consistency. The country profiles are not part of the report.

Overall, data are presented per Member State and for the EU as a whole. Data are not presented for individual species or as per the species in Annexes A – D of Regulation No 338/97, but for species referred to in a general way according to their importance in the context referred. Generally, data are presented to ‘tell the story’ behind it, i.e. the study does not include large Excel files with data, but rather charts and figures showing major trends, hot-spots etc.

The following table gives an overview of the data and data sources that the research team aimed at obtaining at the beginning of the project, and the step where this took place. Redundancy is deliberate in order to increase the chances of obtaining the data and to increase the reliability of the data gathered.

Table 1: Overview of data and data sources for Chapters 4 and 5

Step	Source	Chapter 4: Wildlife crime in the EU	Chapter 5: Implementation & law enforcement
Step 2	Online survey among relevant authorities	<ul style="list-style-type: none"> - Data on illegal trade (by species; export/import/transit) as far as not already reported in CITES reports - Data on seizures - Information on organised criminal groups - Legal regulations on money laundering 	<ul style="list-style-type: none"> - Status of National Action Plans - Data on penalty levels (administrative or criminal sanctions) - Criminalisation of activities such as possession and purchasing of any specimens of CITES-listed species pursuant to domestic law

¹⁵ For an overview, see Maguire (2007, p. 253ff). The author points out that in the UK the concerns about the reliability in crime statistics produced by the police at some point reached such a level that an independent was henceforth charged with producing police statistics as well; as consequence more than one set of statistics started to be published which ‘amounts to a highly visible acknowledgement of the limitation of police data’, *ibid.* at p. 254.

Step 3	Most recent biennial report submitted by each MS to CITES and statistical data contained in all such reports since 2007	<ul style="list-style-type: none"> - Data on seizures - Number of criminal prosecutions - Data on violations and countries of origin/destination (i.e. trade routes) 	<ul style="list-style-type: none"> - Examples of MS policies addressing demand side - Information on cooperation between MS and other international bodies - Criminalisation of activities such as possession and purchasing of any specimens of CITES-listed species pursuant to domestic law
	National crime statistics ¹⁶	- Data on wildlife crime as defined in national criminal law	
	EU-TWIX database	- Seizure data	
	EU studies on implementation and enforcement of EU framework		- Implementation of the EU Wildlife Trade Regulations (i.e. legislation in place)
	Data provided by TRAFFIC	<ul style="list-style-type: none"> - Data on seizures - Data on illegal trade involving the EU (by species; export/import/transit) 	
Step 4	Internet research (including media reports, official sites of MS ministries, enforcement authorities etc.)	<ul style="list-style-type: none"> - Examples of how wildlife crime is linked to money laundering - Data on illegal trade involving the EU - Additional insights on confiscations 	<ul style="list-style-type: none"> - Examples of MS policies addressing demand side - Information on cooperation between MS and other international bodies - Level of response to wildlife crime - Level of cooperation with NGOs
	Interviews	<ul style="list-style-type: none"> - Examples of how wildlife crime is linked to money laundering - Information on organized criminal groups 	<ul style="list-style-type: none"> - Information on cooperation between MS and other international bodies - Examples of MS policies addressing demand side - Prioritising of wildlife crime in criminal justice systems of MS

¹⁶ If available in English, French, Spanish, Dutch, Polish, Hungarian, or German.

Finally, the conclusions in **Chapter 6.1** are based on the results of Chapters 3-5 in particular. The recommendations in **Chapter 6.2** are based on these results and in addition take into account the results of the EU's consultation on wildlife trafficking (European Commission 2014a) as well as policy recommendations that have been made by other actors on the topic.

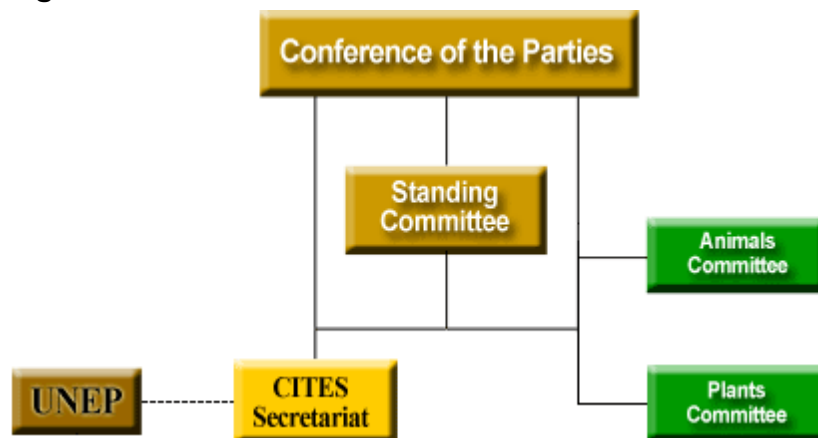
2. THE CITES FRAMEWORK AND THE EU LEGISLATION ON WILDLIFE CRIME

2.1. The CITES framework

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was signed in Washington, D.C., on 3 March 1973 and entered into force on 1 July 1975. It is also known as the Washington Convention. Currently, there are 181 Parties to CITES¹⁷. The EU is the most recent party to CITES. After joining CITES on April 9, 2015, the Convention entered into force for the EU on July 8, 2015¹⁸. However, even before joining CITES as a party, the EU and its Member States have for long been -standing active players in the context of wildlife crime. Before the EU's accession to CITES, the EU's involvement and its Member States' actions were based on the Regulations (EC) No 338/97 and (EC) No 865/2006, governing the implementation of CITES at EU level (see below).

CITES' **basic approach** is to regulate international trade, defined as the 'export, re-export, import and introduction from the sea' (Article I(c) CITES), in specimens of species, in order to protect these species from over-exploitation and against extinction. CITES aims 'to control international trade, one of many factors for the persistent decline in species and populations of animal and plants worldwide'¹⁹.

Figure 1: The structure of CITES



Source: CITES, The structure of CITES, <https://www.cites.org/eng/disc/org.php>.

CITES Secretariat

CITES has a secretariat, which is located in Geneva, Switzerland, and provided by the Executive Director of the United Nations Environment Programme (UNEP) (cf. Article XII.1 CITES). In addition to carrying out organisational functions such as arranging for meetings of the Parties, the Secretariat may also, for example, undertake scientific and technical studies in accordance with programmes authorized by the COP as will contribute to the implementation of CITES, study the reports of Parties, prepare annual reports to the Parties on its work and on the implementation of CITES or make recommendations for the implementation of CITES' aims and provisions (see Article XII(2) CITES).

¹⁷ CITES, Member countries, <http://www.cites.org/eng/disc/parties/index.php>.

¹⁸ CITES, List of contracting Parties, <http://www.cites.org/eng/disc/parties/chronolo.php>.

¹⁹ BfN, New legislation on species conservation, http://www.bfn.de/0305_regelungen+M52087573ab0.html.

Conference of the Parties (COP)

The COP is the **governing, decision-making body of CITES** and comprises all its Member States. It meets about every three years. At the meetings, the COP reviews the implementation of CITES. In addition, pursuant to Article XI CITES, it may make such provision as may be necessary to enable the Secretariat to carry out its duties, and adopt financial provisions, consider and adopt amendments to Appendices I and II, review the progress made towards the restoration and conservation of the species included in Appendices I-III, receive and consider any reports presented by the Secretariat or by any Party and make recommendations for improving the effectiveness of the present Convention, where appropriate.

Permanent committees

The COP has established permanent committees with different functions:

- **The Standing Committee:** The Standing Committee provides general policy guidance and operational direction on the implementation of CITES. It oversees the management of the Secretariat's budget, coordinates and oversees the work of other committees and working groups, oversees compliance, may consider sanctions and carries out tasks given to it by the COP (Resolution Conf. 11.1 (Rev. CoP15); Wijnstekers 2011; European Commission 2010).
- **The Animals Committee and the Plants Committee:** The COP also established the Animals Committee and the Plants Committee (Resolution Conf. 11.1 (Rev. CoP15); Wijnstekers 2011). According to the Terms of Reference of the Committees, their main tasks are, inter alia, to provide scientific advice and guidance to the COP, other committees, working groups and the Secretariat, deal with nomenclatural issues, undertake periodic reviews of species, and providing advice and recommendations in case of unsustainable trade²⁰.

Member State obligations relating to Appendices I, II and III

CITES has **three appendices**, which list **categories of species** depending on the degree of protection required, i.e. depending on how threatened they are by international trade. The appendices contain approximately **5,600 species of animals and 30,000 species of plants**, protecting them against over-exploitation through international trade²¹. The categorisation of species may vary, depending on the region and the respective conservation needs of the regional population of a species²². Specifications appear next to the name of the species or in the Interpretation section²³. In all Appendices, species are referred to by the name of the species or as being all of the species included in a higher taxon or designated part thereof (Appendices I, II and III, para. 1).

Member State obligations under CITES are determined to a large extent by the requirements set out in the provisions relating to the respective Appendix. In the context of the Appendices, CITES obliges its Member States to take concrete action regarding the **control of international trade by issuing export and import permits** (Von Bogdandy et al. 2010). Pursuant to Article II(4) CITES, Member States are obliged to prohibit trade in specimens of species in contravention of CITES. The details of obligations depend on the

²⁰ CITES, Animal and Plants Committees, https://www.cites.org/eng/disc/ac_pc.php.

²¹ CITES, The CITES species, <https://www.cites.org/eng/disc/species.php>.

²² For example, Appendix I includes the *Canis lupus* (grey wolf) but only the populations of Bhutan, India, Nepal and Pakistan; all other populations are included in Appendix II.

²³ CITES, The CITES Appendices, <https://www.cites.org/eng/app/index.php>.

category of species concerned in the respective constellation. These obligations will be explained below.

Appendix I

Appendix I lists species that are **threatened with extinction** and which are or may be affected by trade. Pursuant to Article II.1 CITES, 'trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.'

According to Article III CITES (Regulation of trade in specimens of species included in Appendix I), the **export** 'of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit' (emphasis added). Such an export permit shall only be granted under the following four conditions:

- 'a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
- a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora
- a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
- a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.' (Article III.2 CITES)

The **import** of Appendix I specimens of species requires 'the prior grant and presentation of an import permit and either an export permit or a re-export certificate.' An import permit may be granted under similar conditions as set out for the export permit²⁴.

Under Article III.4 CITES, the **re-export** of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. Such a re-export certificate may only be issued if the import of the specimen complied with the CITES provisions and, in the case of a live animal or plant, if an import permit has been issued²⁵. In the case of a living specimen, it must be prepared and shipped to minimize any risk of injury, damage to health or cruel treatment (Article III.4(b) CITES)²⁶.

Appendix II

Appendix II lists species that are **not necessarily threatened with extinction but may become so** unless trade in specimens of such species is subject to strict regulation (Article II.2 CITES). Thus, trade in specimens of these species is permitted but regulated to ensure the listed species do not become endangered.

Unlike for Appendix I specimens of species, no import permit is needed for Appendix II specimens of species (unless required by national law). Instead, the **import** of any

²⁴ The following three import permit requirements are set out in Article III.3 CITES: '(a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved; (b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and (c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.'

²⁵ CITES, How CITES works, <https://www.cites.org/eng/disc/how.php>.

²⁶ CITES, How CITES works, <https://www.cites.org/eng/disc/how.php>.

specimen of a species included in Appendix II requires the prior presentation of either an export permit or a re-export certificate (Article IV.4 CITES, emphasis added).

The **export** of Appendix II specimens of species requires an export permit or re-export certificate issued by the Management Authority of the State of export or re-export. An export permit shall only be granted on the condition that the specimen was legally obtained and if the export will not be detrimental to the survival of the species (Article IV.2 CITES).

The **re-export** of any specimen of a species included in Appendix II shall require the prior grant and presentation of a re-export certificate. Such a re-export certificate may only be issued if the import of the specimen complied with the CITES provisions (Article IV.5 CITES). In the case of a living specimen, it must be prepared and shipped to minimize any risk of injury, damage to health or cruel treatment (Article IV.5(b) CITES)²⁷.

Appendix III

Appendix III lists species that are **protected in at least one country**, which has asked the other CITES Parties for assistance in controlling the trade for the purpose of preventing or restricting exploitation²⁸.

Export requirements of species listed in Appendix III depend on the countries involved:

- export from a State that included the species in Appendix III: this requires the prior grant and presentation of an export permit, which may be issued under the conditions set out in Article V.2 CITES.
- export from any other State: requires a certificate of origin (Article V.3 CITES)

The **import** of Appendix III specimen of a species generally requires the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit (Article V.3 CITES).

A **re-export** certificate issued by the State of re-export is required in the case of re-export (Article V.4 CITES).

Regulations for export, import and re-export and the introduction from the sea of specimen of a species (Appendices I and II)

In addition, CITES contains permit and certificate regulations for export, import and re-export and the introduction from the sea of specimen of a species. These permits and certificates may only be issued under certain conditions and must be presented when entering or leaving a country.

Amendments of Appendices

Amendments to Appendices I and II may be carried out only by the COP (see Article XV CITES); in contrast, Parties may unilaterally add or remove species from Appendix III²⁹.

Exceptions

Article VII CITES stipulates that Parties may make certain exceptions to the principles described above. These exceptions concern the following cases:

²⁷ CITES, How CITES works, <https://www.cites.org/eng/disc/how.php>.

²⁸ CITES, How CITES works, <https://www.cites.org/eng/disc/how.php>.

²⁹ CITES, The CITES Appendices, <https://www.cites.org/eng/app/index.php>.

- **specimens in transit or being transhipped** through or in the territory of a Party while the specimens remain in Customs control (Article VII.1 CITES; see also Resolution Conf. 9.7, Rev. CoP15³⁰;
- so-called **pre-Convention specimens**, i.e. specimens that were acquired before CITES provisions applied to them (Article VII.2 CITES; see also Resolution Conf. 13.6, Rev. CoP16³¹;
- **specimens that are personal or household effects** (Article VII.3 CITES; see Resolution Conf. 13.7, Rev. CoP16³²;
- **animals that were 'bred in captivity' for commercial purposes** (Article VII.4 CITES; see also Resolution Conf. 10.16³³;
- **plants that were 'artificially propagated' for commercial purposes** (Article VII.4 CITES; see also Resolution Conf. 11.11, Rev. CoP15³⁴;
- specimens that are destined for **scientific research** (Article VII.5 CITES);
- **specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition** (Article VII.6 CITES; see also Resolution Conf. 12.3, Rev. CoP16³⁵.

Special rules and requirements apply to these cases and a permit or certificate is generally still required³⁶.

In addition, Member States have the right to enter reservations with respect to species listed in the Appendices in line with Articles XV, XVI or XXIII CITES³⁷.

Other Member State Obligations

As parties to CITES, its Member States are, first of all, responsible for implementing the Convention. Parties must take appropriate measures to **implement and enforce** CITES provisions; this includes having to determine penalties. National legislation is required for the implementation of certain articles (e.g. Articles III and IV CITES) (Von Bogdandy et al. 2010).

Furthermore, they must establish **Management Authorities** for the purposes of the Convention. Management Authorities are national authorities designated in accordance with Article IX CITES (Article I(g) CITES). Accordingly, Management Authorities have the competence to grant permits or certificates on behalf of the respective Party.

³⁰ CITES, Resolution Conf. 9.7 (Rev. CoP15), Transit and transshipment, <https://www.cites.org/eng/res/09/09-07R15.php>.

³¹ CITES, Resolution Conf. 13.6 (Rev. CoP16), Implementation of Article VII, paragraph 2, concerning 'pre-Convention' specimens, <https://www.cites.org/eng/res/13/13-06R16.php>.

³² CITES, Resolution Conf. 13.7 (Rev. CoP16), Control of trade in personal and household effects, <https://www.cites.org/eng/res/13/13-07R16.php>.

³³ CITES, Resolution Conf. 10.16 (Rev.), Specimens of animal species bred in captivity, <https://www.cites.org/eng/res/10/10-16C15.php>.

³⁴ CITES, Resolution Conf. 11.11 (Rev. CoP15), Regulation of trade in plants, <https://www.cites.org/eng/res/11/11-11R15.php>.

³⁵ CITES, Resolution Conf. 12.3 (Rev. CoP16), Permits and certificates, <https://www.cites.org/eng/res/12/12-03R16.php>.

³⁶ CITES, How CITES works, <https://www.cites.org/eng/disc/how.php>.

³⁷ CITES, The CITES Appendices, <https://www.cites.org/eng/app/index.php>.

Trade between Parties and non-Parties

When a specimen of a CITES-listed species is transferred between a country that is a Party to CITES and a non-Party, the Party may accept documentation equivalent to the permits and certificates described above³⁸.

CITES and illegal trade

CITES only deals with **legally traded products**. Thus, it does not offer tools directly tackling illegal trade (Aguilar 2013). However, Article VIII.1 CITES recommends the adoption of domestic criminal sanctions for the violation of CITES norms, so it establishes '1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures: (a) to penalize trade in, or possession of, such specimens, or both; and (b) to provide for the confiscation or return to the State of export of such specimens.' CITES CoP11 specified that 'Parties should advocate sanctions for infringements that are appropriate to their nature and gravity' and the International Consortium on Combating Wildlife Crime adopted a toolkit dedicated to wildlife and forest offences to help the States to comply with these provisions (UNODC 2012).

2.2. The EU legislation on wildlife crime

The EU legislation aimed at preventing and combating illegal wildlife trade is based on CITES. The **two main implementing Regulations for CITES** are: (1) Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (EU Wildlife Trade Regulation 338/97) and (2) Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein. These regulations are **directly applicable** in the EU Member States. In addition to the CITES implementing Regulations, the **EU's wildlife trade regulations** include the provisions relating to species conservation contained in *Directive 2009/147/EC* of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Birds Directive) and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive). The following sections first address the CITES Implementing Regulations and then deal with the Birds Directive and the Habitats Directive.

Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein

The regulation's **objective** is to 'protect species of wild fauna and flora and to guarantee their conservation by regulating trade therein'; the regulation applies 'in compliance with the objectives, principles and provisions of [CITES]' (Article 1 Council Regulation (EC) No 338/97). It provides the general legal framework and contains provisions for EU-internal trade and the import, export and re-export of specimens of species listed in four Annexes of the regulation (European Commission 2010). In addition, it establishes different EU bodies:

- the Committee on Trade in Wild Fauna and Flora established under Article 18 is composed of representatives of the Member States. It meets three to four times a

³⁸ CITES, How CITES works, <https://www.cites.org/eng/disc/how.php>.

year in Brussels and determines measures to improve the implementation of the EU wildlife trade regulations and assists the Commission in its work³⁹.

- the Scientific Review Group (SRG) established under Article 17 examines any scientific question relating to the application of Regulation 338/97. It consists of representatives of each Member State's scientific authority and meets in Brussels four times a year⁴⁰.
- the Enforcement Group established under Article 14(3), which meets in Brussels on average twice a year. Its task is to monitor enforcement policy and practice in the Member States and make recommendations to improve wildlife trade legislation enforcement⁴¹.

The Annexes of Regulation (EC) No 338/97

Council Regulation (EC) No. 338/97 has four Annexes (A, B, C and D). The first three annexes largely correspond to the CITES Appendices I, II and III of CITES. The fourth annex, Annex D, does not have an equivalent under CITES. It is frequently referred to as the "monitoring list" as it includes species that might be eligible for listing in one of the other Annexes and for which EU import levels are monitored (European Commission 2010). Annex D includes non-CITES species in order to be consistent with EU requirements, including the Habitats Directive and the Birds Directive⁴² (see below).

While the CITES Appendices I, II and III correspond to the Council Regulation 338/97 Annexes A, B and C, the latter go further than the CITES Appendices in some respects. Certain import conditions are stricter than those imposed by CITES insofar as import permits species listed in Annex A and Annex B; furthermore, import notifications are required for Annexes C and D (European Commission 2010). **Stricter rules** also apply, for example, to certain requirements for the import of live specimens and the permission to suspend imports with regard to certain species and countries even if trade is allowed under CITES (European Commission 2010).

Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

This regulation, as amended by Commission Regulation (EC) No. 100/2008⁴³ contains detailed rules on the implementation of Council Regulation (EC) No. 338/97 (European Commission 2010). It specifies requirements for issues such as contents of permits, certificates and applications for the issue of such documents, the issue and use of documents, the validity of permits and certificates, including from third countries, specimens in transit through the EU and regulates, for example, the customs procedure and includes rules in exemptions and derogations.

³⁹ European Commission (2015): The Committee on Trade in Wild Fauna and Flora, http://ec.europa.eu/environment/cites/ctwff_en.htm; European Commission 2010.

⁴⁰ European Commission (2015): Scientific Review Group, http://ec.europa.eu/environment/cites/srg_en.htm.

⁴¹ European Commission (2015): Enforcement Group, http://ec.europa.eu/environment/cites/eg_en.htm.

⁴² The European Union and Trade in Wild Fauna and Flora, http://ec.europa.eu/environment/cites/legislation_en.htm.

⁴³ Commission Regulation (EC) No 100/2008 of 4 February 2008 amending, as regards sample collections and certain formalities relating to the trade in species of wild fauna and flora, Regulation (EC) No 865/2006 laying down detailed rules for the implementation of Council Regulation (EC) No 338/97.

Relevance of the EU accession to CITES

Following this involvement in and relationship with CITES, established at EU level through the Regulations (EC) No 338/97 and (EC) No 865/2006, the EU's and its Member States' strong commitment in the fight against wildlife trafficking gained further prominence with the **accession of the EU to CITES**. After the entry into force of the **Gaborone Amendment** to CITES in November 2013 and after the European Parliament gave its consent on 16 December 2014, the Council approved the EU accession to CITES on 6 March 2015⁴⁴, that finally took place on 8 July 2015. Overall it is assumed that the EU accession reflects the EU's commitment to play a stronger role in the global fight against wildlife trafficking and bring more visibility and accountability into this process (⁴⁵). According to the European Commission, the EU accession to CITES also constitutes an important milestone for the preparatory work for an EU Action Plan against wildlife trafficking (⁴⁶). **Formally**, the accession also means that the EU contributes to the running costs of CITES, is accountable to other Parties for its implementation of the Convention and be called to order by the Secretariat or the COP (European Commission 2010).

Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Birds Directive)

While the Birds Directive does not primarily address trade in birds, it has certain **trade implications** and regulates certain trade constellations. Together with the Habitats Directive, the Birds Directive 'forms the cornerstone of Europe's nature conservation policy'⁴⁷. It was adopted in 1979 and is the EU's oldest body of nature legislation⁴⁸. It 'relates to the conservation of all species of naturally occurring birds in the wild state in the European territory of the Member States to which the Treaty applies. It covers the protection, management and control of these species and lays down rules for their exploitation' (Article 1(1) Birds Directive).

Under the Directive, certain activities that directly threaten birds (e.g. the deliberate killing or capture of birds, but also associated activities such as trading in live or dead birds) are prohibited⁴⁹. Member States are obliged to 'take the requisite measures to maintain the population of the species referred to in Article 1 at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level' (Article 2 Birds Directive). In addition to other non-trade related obligations, the Directive determines in Article 6(1) that 'Member States shall prohibit, for all the bird species referred to in Article 1, the sale, transport for sale, keeping for sale and the offering for sale of live or dead birds and of any readily recognisable parts or derivatives of such birds.' However, certain exceptions are provided for in Directive. Trade in the species listed in part

⁴⁴ CITES (2013): CITES opens to accession by regional economic integration organizations, https://www.cites.org/eng/news/pr/2013/20131003_gaborone.php; European Commission (2015): EU Accession to CITES, http://ec.europa.eu/environment/cites/gaborone_en.htm.

⁴⁵ IUCN (2015): The European Union becomes a party to CITES, News Story, 9 July 2015, <http://www.iucn.org/about/union/secretariat/offices/europe/?21677/The-European-Union-becomes-a-party-to-CITES>.

⁴⁶ European Commission (2015): EU joining CITES Convention will help in the preparation of the Commission's wildlife trafficking action plan, European Commission – Press Release, 08 July 2015, http://europa.eu/rapid/press-release_IP-15-5316_en.htm.

⁴⁷ European Commission, The Habitats Directive, http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm.

⁴⁸ European Commission, The Birds Directive, http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm.

⁴⁹ European Commission, The Birds Directive, http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm.

A of Annex III is permitted, provided upon the condition that the birds were lawfully killed, captured or otherwise acquired (Article 6(2) Birds Directive) (Born et al. 2014). Furthermore, under the requirements of Article 6(3), Member States may allow trade in species listed in part B of Annex III. Derogations from these provisions are allowed, where there is no other satisfactory solution, for reasons such as interests of public health and safety, interests of air safety, to prevent serious damage to crops, livestock, forests, fisheries and water, or for the purposes of research and teaching (see Article 9(1) Birds Directive).

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive)

The Habitats Directive is a conservation directive that protects more than 1.000 animals and plant species and more than 200 habitat types, such as wetlands or meadows⁵⁰. The Habitats Directive aims 'to contribute towards ensuring bio-diversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies' (Article 2(1) Habitats Directive). The concept of the Directive is to construct a network of protected areas in Europe and protect wild animal and plant species along with their natural habitats⁵¹. In order to be consistent with the Habitats Directive, Annex D of Council Regulation (EC) No. 338/97 also includes non-CITES species (see above).

While the Directive sets out Member State obligations relating to conservation, it also aims to protect species through regulating their capture, trade or hunting (Articles 12ff. Habitats Directive) (Born et al. 2014). Regarding animal species listed in Annex IV (a), 'Member States shall prohibit the keeping, transport and sale or exchange, and offering for sale or exchange, of specimens taken from the wild, except for those taken legally before this Directive is implemented' (Article 12(2) Habitats Directive). Furthermore, as far as plant species listed in Annex IV (b) are concerned, Member States must 'take the requisite measures to establish a system of strict protection, prohibiting [inter alia], the keeping, transport and sale or exchange and offering for sale or exchange of specimens of such species taken in the wild, except for those taken legally before this Directive is implemented' (Article 13(1)(b) Habitats Directive).

Strengths and weaknesses of EU legislation aimed at preventing and combating illegal wildlife trade

Overall, the regulatory framework of the EU to combat wildlife crime is deemed to be rather robust and fit for purpose (e.g. European Commission 2014a). However, TRAFFIC reports that there is a widespread view that the Regulations are too complex. Especially for non-routine cases, responsible authorities find it difficult to decide how they should be treated. Member States interpreting the Regulations differently can lead to problems in case of specimens moving from one Member State to another. It is stated that this complexity could weaken the effectiveness of the Regulations in conservation terms (Ó Críodáin 2007). However, a 2014 Commission report on the results of a stakeholder consultation notes that 'the large majority of respondents considered that the legal framework in place to regulate wildlife trade in the EU [...] did not require changes' (European Commission 2014a). Deficiencies were mainly related to enforcement, which is dealt with in the literature review in Chapter 3.

⁵⁰ European Commission, The Habitats Directive, http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm.

⁵¹ BfN, Species Conservation Legislation and Conventions, https://www.bfn.de/0302_regelungen+M52087573ab0.html.

Commission Recommendation of 13 June 2007 Identifying a Set of Actions for the Enforcement of Council Regulation (EC) No 338/97 on the Protection of Species of Wild Fauna and Flora by Regulating Trade Therein (2007/425/EC)

Commission Recommendation of 13 June 2007 Identifying a Set of Actions for the Enforcement of Council Regulation (EC) No 338/97 on the Protection of Species of Wild Fauna and Flora by Regulating Trade Therein (2007/425/EC) is commonly referred to as EU Enforcement Action Plan. It sets out a series of specific recommendations for the enforcement of Council Regulation (EC) No 338/97 addressed to the Member States. The Commission Recommendation distinguishes between actions recommended in order to increase enforcement capacity and actions in order to increase co-operation and information exchange.

Recommended actions to increase enforcement capacity include, for example:

- the adoption of national action plans for coordination of enforcement,
- actions ensuring that all relevant enforcement agencies have adequate financial and personnel resources for the enforcement of Regulation (EC) No 338/97,
- actions ensuring the provision of adequate information to the public and stakeholders with a view, in particular, to raising awareness about the negative impacts of illegal wildlife trade,
- actions ensuring that penalties for infringements of Regulation (EC) No 338/97 act as a deterrent against wildlife trade crime (see Commission Recommendation, section II).

Recommended actions with respect to increasing co-operation and information exchange within and between Member States as well as with third countries and relevant international organisations (e.g. Interpol, World Customs Organization) include, for example:

- actions establishing procedures for coordinating enforcement among all the Member States' relevant national authorities,
- appointing national focal points for the exchange of wildlife trade information and intelligence,
- sharing relevant information about significant trends, seizures and court cases at the regular meetings of the Enforcement Group as well as intersessionally,
- exchanging information on penalties for wildlife trade offences to ensure consistency in application (see Commission Recommendation, section III).

The upcoming EU Action Plan on Wildlife Crime

As already mentioned in Chapter 1, the European Parliament in its Resolution 2013/2747 (RSP) of 15 January 2014 on Combating Wildlife Crime urged the European Commission 'to establish without delay an EU plan of action against wildlife crime and trafficking, including clear deliverables and timelines.' In February 2014, the European Commission adopted a Communication on the EU Approach against Wildlife Trafficking (COM(2014) 347) and started a stakeholder consultation. Most contributions, including those from 16 Member States, were in favour of an EU Action Plan (European Commission 2015a, p. 2). In July 2015, the European Commission published a roadmap entitled "EU Action Plan against Wildlife Trafficking" mapping the options available for a future EU Action Plan (European

Commission 2015a, p. 6-7), which received feedback from a variety of stakeholders⁵². The three options under consideration include:

- **Option 1:** Focus on strengthening enforcement of wildlife trade rules at EU and global levels, mainly through a revision of Commission Recommendation 2007/425/EC
- **Option 2:** Communication from the Commission to the Council and the European Parliament, in order to ensure high-level political commitment from Member States' governments through the Council. The plan would
 - be based on key recommendations from the stakeholder consultation
 - have a structure that follows the model of the existing Action Plans against human trafficking and trafficking in firearms
 - be based on three priorities: preventing wildlife trafficking, strengthening enforcement, and building a global partnership against wildlife trafficking
 - provide for timelines, benchmarks and monitoring by the Commission
- **Option 3:** Communication from the Commission to the Council and the European Parliament (as in option 2) and in addition new legislative proposals. The latter should amend the current EU legislation to ensure a more level playing field across EU Member States concerning sanctions for wildlife trafficking and to qualify wildlife trafficking involving organised criminal groups as a serious crime, punishable with a maximum sanction of at least four years' imprisonment' (European Commission 2015a, p. 7).

According to the roadmap, **option 2** is the most likely to make a real difference to how the EU institutions and Member States currently approach wildlife trafficking, as it would increase the profile of the crime area at political level, ensure engagement of all relevant services and set clear benchmarks to assess progress made' (European Commission 2015a, p. 8). By contrast, **option 1** is deemed insufficient to ensure that Member States would consider wildlife crime as a priority. **Option 3**, on the other hand, would considerably delay the adoption of the Action Plan due to the necessity to thoroughly assess whether legislative proposals by the EU are the best avenue to address the shortcomings identified in relation to sanction levels in Member States. The Commission therefore finds it preferable to include in option 2 a reference to the new EU Agenda for Security, which recognises the need to assess if and how the EU policy and legislation should be strengthened and foresees a review for 2016' (European Commission 2015a, p. 8).

In view of the enforcement deficits widely associated with wildlife crime (see in more detail Chapters 3 and 5), an EU Action Plan appears to be a promising initiative. In particular, its added value compared to Commission Recommendation 2007/425/EC could consist in a more comprehensive approach including not only enforcement but also prevention and a global partnership (options 2 and 3 compared to option 1 of the Commission's Roadmap). The choice between a comprehensive approach with legislative amendments on sanctions (option 3) or without such amendments (option 2) depends on the analysis and recommendations concerning sanctions for wildlife crime (see Chapters 5 and 6).

The potential added value of the EU Action Plan is also acknowledged by interviewees from selected Member States and participants in the EU Commission's consultation process. For example, one interviewee said that such an Action Plan that draws attention to the topic of

⁵² See http://ec.europa.eu/environment/feedback_en.htm.

wildlife crime could lead to a higher priority given to the issue on the EU level, which could also trigger a higher attention on the national level and ultimately result in an allocation of more resources⁵³. Another interviewee considered the Action Plan to be potentially helpful to increase and facilitate the cooperation at the EU level and between Member States and to promote measures such as targeted controls or capacity building on EU level (⁵⁴). A submission in the consultation process noted that the Action Plan could help highlight the serious and organised nature of wildlife trafficking and enhance awareness among the public and politicians as part of a preventive approach (Maher et al. 2014). However, the submission included a warning that an action plan was only as effective as the commitment and resources to back it up (Maher et al. 2014).

2.3. Conclusions

The following core conclusions can be drawn from Chapter 2:

- Overall, the regulatory framework of the EU to combat wildlife crime appears to be rather robust and fit for purpose. The main deficiencies are rather related to enforcement.
- Overall it is assumed that the recent EU accession to CITES reflects the EU's commitment to play a stronger role in the global fight against wildlife trafficking.
- In view of the enforcement deficits widely associated with wildlife crime, an EU Action Plan appears to be a promising initiative. In particular, the added value of the option preferred by the Commission in its roadmap on the EU Action Plan, compared to Commission Recommendation 2007/425/EC, would consist in a more comprehensive approach including not only enforcement but also prevention and a global partnership. Whether this added value could be further enhanced by including legislative amendments on sanctions depends on the conclusions and recommendations of this study on sanctions. The potential added value of the EU Action Plan is also acknowledged by interviewees from selected Member States and participants in the EU Commission's consultation process.

⁵³ Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 5 November 2015

⁵⁴ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BFN), 28 October 2015

3. WILDLIFE CRIME: A LITERATURE REVIEW

3.1. Summary of key literature findings

3.1.1. Illegal wildlife trade within the EU⁵⁵

The EU, as stated in the majority of reviewed literature on wildlife crime, is an important **destination** and **transit** region for illegal wildlife products. There is a significant demand in the EU notably for species with high prices on the black market, and the major ports and airports of the EU are important transit points for trafficking activities. The European Commission reports that 2 500 seizures of wildlife products are made in the EU every year (European Commission 2014b). A 2014 TRAFFIC briefing paper cited that in 2011 the value of EU imports of CITES listed animals and animal products was EUR 499 million (TRAFFIC 2014). The EU is one of the main global markets for wildlife trade, but it is also the most complex one, as it is one trading block with a comprehensive regulatory framework, but many different Member States with different measures and procedures for controlling the trade and enforcing the regulations (Parry-Jones, Barnaby and Theille 2005).

As the wildlife trade monitoring network TRAFFIC points out, it is contradictory that the EU is one of the biggest global markets for wildlife trade: 'While the EU advocates environmental governance and sustainable use, high demand in the EU for wildlife and wildlife products is a driver of illegal and unsustainable trade, which threatens the survival of wild plants, animals and their ecosystems, while also severely impacting the livelihoods or rural communities and national economies' (Engler and Parry-Jones 2007).

The risks that are associated with the illegal wildlife trade within the EU are mainly related to long-term issues like deforestation or the extinction of rare domestic species. More concerning are the impacts outside of Europe, especially in Africa, Latin America and South East Asia. Although at times, without defining the concept of organized crime, several literature sources claim that organized criminal groups operate in the illegal wildlife trade (Alacs and Georges 2008). In the case of Vietnam, for example, transnational networks are illegally trading rare and endangered wildlife, in particular tiger, panther, bear, elephant, snake, and pangolin (Cao and Wyatt 2013). Organised Crime Groups (OCGs) use poaching, trafficking of wildlife products and illegal trade in timber to finance criminal activities like purchasing firearms (Wyatt 2013b). As EnviCrimeNet warns, this poses not only a problem for the national governments, but also for the economical and security interests of the European Union (EnviCrimeNet 2015).

The EU as a source and transit region

Regarding rhino horn and ivory, the EU is both a transit and oddly, a **source** region. Rhino horn and ivory are in extremely high demand in China and Vietnam, where they are used in traditional medicine (Ellis 2005). In Europe, taxidermy rhino and elephant are used as part of exhibitions and collections in museums and private homes, and it is not uncommon that tusks and horn are stolen and sold to other markets (Sollund and Maher 2015). The vast majority of horn and ivory, however, originates from Africa and is trafficked either directly to consumer countries or via European infrastructure hubs (Europol 2013b, 14).

⁵⁵ Note that this section gives a qualitative overview of the role of the EU for wildlife crime as reported in the reviewed literature. More detailed information on Member States and quantitative information and data are provided in the subsequent Chapters 4 and 5 on a systematic overview of wildlife crime in the EU and the implementation and law enforcement of EU wildlife regulations in the EU Member States.

Van Uhm (2014) who analysed EU-TWIX data found that seizures of live animal species in the illegal wildlife trade in the EU consist mainly of reptiles (tortoises), followed by birds (parrots) and incidentally mammals (monkeys), while confiscations of illegal products from dead animals are mainly related to corals, mussels, caviar, reptile leather products, traditional Chinese medicine and ivory. Annual reports on EU seizures compiled by TRAFFIC also identify the EU as a major **transit** region for trafficking of specific wildlife and wildlife products. The annual reports provide information on significant seizures identifying trends in geographic transit routes involving the EU. For example, TRAFFIC (2013) identified China as the leading destination for commodities in transit and seized in the EU destined for (re)export from the EU. Ivory was seized by German authorities and to a lesser extent UK authorities coming from African countries (e.g. Burundi, Malawi, Niger, Nigeria, Tanzania and Uganda). Belgium has also been an important transit hotspot making seizures of elephant ivory from passengers en route from Africa (e.g. Cameroon, Gambia, Ivory Coast and Sierra Leone) to China. China was an important destination for dried sea horses that were seized from the Netherlands (en route from Central and South America (e.g. Ecuador, Panama, Peru) and Belgium (en route from Guinea and Senegal) (TRAFFIC 2013). The TRAFFIC reports combined with EU-TWIX data are important sources for understanding transnational supply chains in illegal wildlife trade and for recognizing geographical points of interest within the EU.

EUROPOL suggests that Member States that handle direct flights from Africa and Asia, such as France, Belgium, the UK, the Netherlands and Germany, are more commonly used as wildlife trafficking transit hubs (TRAFFIC 2013). For example, a case study on illegal wildlife trade for the EFFACE project confirmed that Heathrow is a main entry and transit point for wildlife (Sollund and Maher 2015), something which is supported by another study by Wyatt (2013). A study by Chaber et al. (2010) identified Paris Charles de Gaulle Airport as an important hub for bushmeat coming from Africa. Some 270 tonnes of illegal bush meat passed through in 2010 alone.

The EU as a destination region

According to a TRAFFIC report from 2007, the EU ranks as the **top global importer** by value of many wild animal and plant products, including caviar, eels, reptile skins and live reptiles. While the majority of this trade in wildlife products into and within the EU is carried out legally, the high demand for some rare and protected species drives illegal wildlife trade (Engler and Parry-Jones 2007). TRAFFIC sees low political awareness, high prices for wildlife on the black market and low penalties as factors exacerbating unsustainable and illegal trade. Low penalties are also said to influence trade routes, when countries with low penalties become the gateway for illegal trade (Engler and Parry-Jones 2007).

Reptiles

The EU is a major importer of both reptile skins and live reptiles for the pet trade. TRAFFIC reports that UN Statistics Division data indicate that the five largest importers of reptile skins are Italy, France, Singapore, Japan and Germany. 73 % of EU imports and 55 % of global reptile skin imports in 2005 were represented by Italy, France and Germany together (Engler and Parry-Jones 2007). The trade routes and processes for reptile skin commodities are complex; they often involve multiple re-exports and changes in size and appearance of the reptile skins as well as the smuggling of illegal skins together with legal shipments. The complex trade routes, the high value of reptile skins, the perceived low risk of detection and low penalties provide incentives for illegal trade (Engler and Parry-Jones 2007).

Regarding the import of live reptiles, the main importers in the EU between 2000 and 2005 were Spain, Germany and Italy. The main source countries were El Salvador, Togo and Ghana. Although high proportions of EU imports are reported to be captive-bred (for El Salvador, 100 % of exports were recorded as captive-bred, for Togo and Ghana 75 % and 62 % respectively), the authenticity of these claims can often be questioned (Engler and Parry-Jones 2007). There are numerous sources that document that breeding facilities are used to launder wild-caught specimens of reptiles as well as birds (Lyons and Natusch 2011; Sollund and Maher 2015). A TRAFFIC study from 2012 revealed that thousands of parrots had been exported from the Solomon Islands under the pretext of being captive bred while in reality were wild caught as TRAFFIC found no breeding facilities (Shepherd, Stengel and Nijman 2012). Although these captive breeding claims are investigated by the Member States' scientific authorities, it requires a very high level of expertise and significant financial resources to determine whether a specimen was bred in captivity or not. Captive-bred specimens can be subject to less severe import restrictions than wild caught animals, and traders take advantage of this situation and 'launder' wild-caught specimens (Engler and Parry-Jones 2007).

Caviar

Also for caviar, the EU is ranked as number one importer in terms of quantity and value (van Uhm 2015). In 2005, the main EU importers were Germany, France and Spain. It is reported that high quantities of caviar are also traded internally in the EU, but these trades are not recorded due to an absence of custom controls inside EU borders. For caviar, a large portion of the trade is thought to be illegal. The EU is one of the main destination markets of illegal caviar with more than 16 tons seized between 2001 and 2010. The caviar is generally smuggled from the Caspian region over land by trucks to the EU (van Uhm 2014). TRAFFIC estimates that the illegal catch and trade may outweigh the legal trade by several times, as caviar is compact, easy to conceal and extremely valuable (Engler and Parry-Jones 2007). A more recent report by WWF and TRAFFIC points out that the problem of illegal fishing of sturgeons and illegal trade in caviar is especially severe in Bulgaria and Romania, concluding that Bulgaria and Romania need to improve significantly their implementation of EU Wildlife Trade Regulations and CITES labelling provisions. The report also revealed that many traders only sell to people they trust, resulting in a covert chain of custody from poachers to customers that is hard to track. This underlines the often detailed organisation that plays a role in illegal trade and the crucial role of effective law enforcement and the need for a strong inter-agency and trans-boundary cooperation.

Eels

As TRAFFIC reports, the EU is also a major actor concerning the trade of European eels. Although the EU also comprises source countries with exports mainly going to China, imports of eels into the EU between 1998 and 2008 were considerably larger than exports (with 30 000 tonnes of eel commodities from non-EU countries/territories imported between 1998 and 2008). It is estimated that between 20 and 40 % of all trade in *A. anguilla* glass eels is derived from non-licensed fisherman and poachers. In 2009, large illegal eel shipments from Asia have been intercepted and detected in Poland and the UK. It is noted that the black market trade of live *A. anguilla* glass eels is likely to increase in the near future due to the restricted availability of glass eels for farming (Crook 2010).

3.1.2. Organised criminal groups operating in illegal wildlife trade and the role of the EU

There is an increasing body of academic literature and reports by intergovernmental institutions that identify **organized criminal syndicates** as important actors in wildlife trafficking. Wyatt (2011) (2013b), Schneider (2012), South and Wyatt (2011), Wilson-Wilde (2010), Alacs and George (2008), Warchol et al. (2003), Van Uhm (2014) and Zimmerman (2003) all claim that illegal wildlife trade is linked to organised crime. Despite this consensus, Sollund and Maher (2015) make the point that there is no consistent definition or explanation of what 'organised crime' is. There are criminological sources discussing wildlife trade, however, what constitutes organized crime raises questions, for example, on whether the group is formed to commit the crimes over time, or whether it is a one-time formation in order to commit a specific and planned offence. In her discussion of whether perpetrators of wildlife trade are organized criminals, Wyatt (2013b), (with reference to Paoli and Fijnaut 2006), explains that '[o]rganised crime in today's wildlife black markets does not always conform to previous thinking of the hierarchical clans that operate in the 'underworld'. They are also connected to the mainstream political and industrial infrastructure. Organised crime then is violent, long-lasting, structured, rationale and adaptive, with networks to legitimate and illegitimate industries' (Wyatt 2013b). Sellar (2014), former Chief Enforcement Officer in the CITES Secretariat, approaches organised environmental crime by defining and assessing performance indicators to demonstrate the success, sophistication or organization of criminals. He also shows how criminal networks recruit, equip and direct poachers and wildlife contraband couriers; arrange the smuggling of species and products, often involving transportation across many borders and several continents and use bribery and violence against law enforcement personnel.

A report by the United Nations identifies the following features and *modus operandi* (UN Secretary General 2003):

- (a) 'The groups or networks involved in trafficking in fauna and flora make use of bribery and corruption to facilitate trans-shipment;
- (b) The groups involved have both the capacity and the propensity to use violence in support of their activities, either against rivals or against law enforcement agents who attempt to interfere with their activities;
- (c) The trafficking involves considerable sophistication either in methods of concealment or in methods of circumvention through false documentation;
- (d) There are multiple shipments of fauna or flora, using well-established routes, methods and facilitators;
- (e) The group deals in multiple commodities and fauna and flora are trafficked along with drugs, stolen cars, weapons or even human beings. In some cases, snakes, alligators and reptiles are not being used as commodities in themselves but simply as a form of concealment. In such cases, therefore, the animals are regarded not as an additional source of profit but as a means of ensuring that the drugs themselves are not seized and provide the profits envisaged. It is important, therefore, to distinguish between opportunistic use of wild animals as cover for drug trafficking and true parallel trafficking in drugs and wildlife. Where the latter does occur, however, it is a good indicator of the involvement of organized crime in the illicit animal trade;
- (f) The profits from the trafficking in and sale of fauna and flora are laundered through sophisticated schemes often involving multiple jurisdictions and offshore financial centers;

(g) The trafficking is carried out through one or more front companies that provide an apparently legitimate cover for the criminal activities. In the case of organized crime there is less likely to be a track record of legal activity as the company is more likely to be created specifically as a cover for illegal trade’.

The (2013a) EUROPOL ‘EU Serious and Organized Crime Threat Assessment’ identifies wildlife trafficking as an area of serious organised crime within the EU. The (2010b) UNODC report ‘The Globalization of Crime: A Transnational Organized Crime Threat Assessment’ more broadly identifies environmental resources which include timber and fisheries in addition to wildlife, as a major arena where transnational organised crime occurs. Both reports identify wildlife trafficking as an appealing black market business for OCGs because it is perceived to be low-risk with limited possibilities of prosecution or detection and high margins of profit due to the high-value and unquenchable demand of many wildlife products. Fajardo (2015), Akella & Allan (2012), Elliot (2012) and Haken (2011) also identify wildlife trafficking as low-risk and highly profitable and therefore attractive. EUROPOL (2013a) estimates that profits in wildlife trafficking often represent 6-10 times the initial investment and the UNODC (2010b) report states that the more endangered the species the higher the profit margin.

Comparing wildlife trafficking to other black-markets and trafficked goods, Haken (2011) and WWF/Dalberg (2012) state that **illegal wildlife trade has become one of the largest black markets**, after drugs, human trafficking and the arms trade. Europol (2013b) further states that 30 % of crime groups are poly-criminal, meaning that OCGs are involved in trafficking different types of illegal goods such as drugs or weapons. A report on ‘Environmental Crime in Europe’ (EnviCrimeNet 2015) notes that OCGs are often already active in their countries and are able to capitalize on using existing structures and opportunities set up for other types of illegal activity. Thus it is assumed that OCGs work in collusion with other criminal networks to launder their profits and sell their goods (EnviCrimeNet 2015). In the academic literature, Warchol et al. (2003), Lin (2005) and South and Wyatt (2010) have found connections between wildlife trafficking and the drugs trade, while in Colombia and Brazil crime groups will traffic whichever commodity or product is most profitable through the same routes, whether precious stones, drugs, logs, or/and wildlife (Sollund and Maher 2015; Zimmermann 2003). Similarly, the Enough Project/Invisible Children Project (2014) and the Small Arms Survey (2014) identified overlaps of actors operating in the ivory trade and the arms trade. Lin (2005) goes into detail regarding the synergistic links between wildlife trafficking and other smuggling activities, particularly narcotics that can take three different forms:

‘The first is parallel trafficking of drugs and wildlife along similar smuggling routes, with the latter as a subsidiary trade. In Latin America, where drugs are frequently produced in wildlife-rich areas, many drug cartels trade both types of contraband through their distribution networks. The second is the use of ostensibly legal shipments of wildlife to conceal drugs. The use of wildlife products as drug mules often causes inhumane animal cruelty. Finally, wildlife products have been used as a currency in exchange for drugs and such exchanges are often also part of the laundering of drug traffic proceeds’.

Europol (2013b) states that OCGs are involved in the illegal trade of products of iconic species within the illegal wildlife trade such as ivory and rhino horn but also everyday items related to food and fashion and also exotic pets. There are some studies that identify specific species or products as being subject to organised criminal activity, such as Liddick (2011) on caviar smuggling, Wyatt (2011) on falcon smuggling, Millikan and Shaw (2012), Rademeyer (2012) and Ayling (2012) on rhino poaching and horn trade and Orenstein

(2013) and CITES-UNEP (2013) on elephant poaching and the ivory trade. According to the literature, most trafficked plants and animals originate outside of the EU, however, the EU remains an important transit region for organised crime groups (European Commission 2015b). In particular, Europol (2013b) states that organised criminal groupings involved in trafficking in the EU are dominated by European nationals that exploit the rules of the EU's Schengen Area and of the European Union's Custom Union (EUCU). These rules have removed regular border controls and have facilitated the cross-border transportation of products and live animals. This has made trafficking within the EU difficult to evaluate or follow, particularly of individuals or groups transporting illicit commodities. Different levels of enforcement and weak legislation in some Member States are also compromising factors according to EUROPOL (2013a). OCGs move operations quickly to different jurisdictions to avoid law enforcement detection or measures and those involved in environmental crimes in the EU are not necessarily based within the Union (EnviCrimeNet 2015, van Uhm 2015).

While the majority of high-value wildlife products such as rhino horn, ivory and tiger bones originate outside of the EU, illegal sourcing also takes place within the EU. According to Europol (2013a), OCGs are found to make use of sophisticated and innovative methods that include stealing rhino horn and ivory from museums.

The **internet** has been crucial in facilitating contact between suppliers and consumers of wildlife (Sollund and Maher 2015). A collaborative study between INTERPOL and the International Fund for Animal Welfare (IFAW) called 'Project Web' reports that illegal ivory trade takes place over the internet. Legislation to monitor and intercept web-related illegal trade is a relatively new field and the existing legal framework for wildlife at the CITES and EU level is not capable of addressing it (IFAW 2013b). The 'deep web' is a marketplace for numerous illegal goods and activities ranging from the sale of drugs, weapons, to people as well as wildlife and wildlife products. Lavorgna (2015) identifies the internet as a main trading place of the illegal pet trade.

While organised crime is covered most extensively in the literature as being associated with elephant and rhino poaching and the trade of those products, OCGs are also known to trade a variety of other wildlife species. The caviar trade is suspected to involve organised criminal networks and in 2001 CITES found that USD 25 million worth of caviar coming from the United Arab Emirates and destined for US and EU markets was of unlawful origin (WWF/TRAFFIC 2002). Luxembourg and Germany were involved in 2004 in a cooperative operation to identify caviar criminal networks operating in their territories. Sellar (2014) indicates that the ever-decreasing wild sturgeon population was the only factor hampering caviar criminals from continuing to launder their products on international markets. Interestingly, the EU is one of the major consumer regions in relation to caviar and the associated illegal trade.

Herbig (2010) outlines the various methods for poaching and trafficking reptiles in South Africa, and the ways in which trafficking is organised which clearly indicates these are well-organised crimes (involving e.g. fraudulent methods, like wrong paperwork, mislabelled species, container shipments on vessels with little or no control, transportation of reptiles by speedboats). The EU is one of the largest pet reptile markets (Nijman and Shepherd 2009). There is evidence that organised crime groups are also involved in the trade of reptiles (Alacs and Goerges 2008).

Studying the transit routes that OCGs operate in has resulted in some studies emphasizing colonial trade routes and relationships, particularly in the ivory trade. In a study by TRAFFIC, Knaap and Affre (2006) identify transit routes between Belgium and its former African colonies made evident in seizure data with half of all ivory seizure cases made in Belgium involving its former colony the DRC, a country whose long-lasting civil conflict is

well documented as being subject to exploitation by organised criminal networks and armed groups (see Section 3.1.5).

OCGs are also observed to take advantage of instability and poverty, in particular, by operating and profiteering from countries in conflict. The UNODC (UNODC 2010a) published a report on Central Africa that classified the illegal ivory trade in Central Africa as **transnational organized crime** that specifically exploits and benefits from a variety of warring groups including militia groups, the Congolese army, armed non-state actors, Mai Mai rebel groups and the FDLR. A second 2013 EUROPOL report, 'Threat Assessment 2013: Environmental Crime in the EU,' focuses on the human impact of OCGs' involvement in wildlife trafficking. It states that the long-term ramifications are felt by source countries and include colossal losses in state revenues and the impoverishment of rural communities that depend on natural resources for their livelihoods. Wildlife trafficking damages local economies through loss of income and livelihood, life threatening environmental damage, corruption of officials, fraud, money laundering, extortion, threats of violence, and even murder (Nellemann 2012). In countries with weak environmental governance and enforcement as well as high levels of corruption, wildlife trafficking thrives in a benign environment (Kakabadse 2011; RUSI 2015). Trade has increased in many wildlife products due to the fact that such activities are seldom prosecuted and if they are, they are punished with low penalties in most countries (Sollund & Maher 2015). In a comprehensive literature review, Vines and Lawson (2014) concur that actors involved in wildlife trafficking including OCGs and armed non-state actors take advantage and even perpetuate lawlessness, civil conflict and institutional weakness in both source and consumer countries in order to garner profits for a narrow few number of individuals. Although not identified as organised criminal groups, **terrorist groups** are using organised crime to fund their own activities with for instance Al Shabaab which is identified in illegal poaching of elephants and the ivory trade (Kalron and Crosta 2012).

Reports on prosecutions and convictions of OCGs involved in wildlife trafficking and poaching are limited. The Environmental Investigation Agency (EIA) in a (2014) report highlights several legal cases where organised crime syndicates have been investigated in relation to wildlife trafficking and illegal poaching. One important case for Europe that they study involves the exploitation of loopholes in transnational trafficking involving South Africa, the EU and Vietnam. This case is discussed in more detail by Millikan and Shaw (2012), Ayling (2012) and Wyatt (2013b) who have identified specific organised criminal syndicates using fake trophy hunts in South Africa to traffic rhino horn via the EU to Asia (See Box 2). Other forms of fraud have been set up by *pseudo-conservation networks*, who have been permitted to procure "rhinos from game farms, wildlife parks and reserves, purportedly for conservation purposes but actually in order to dehorn them (in the process killing almost all of the rhinos) and thereby profit from the sale of the horns" (Ayling 2012).

Box 2: South Africa – European – Vietnam Connection: Legal Hunting and Illegal Trafficking

In 2012, South Africa's National Department of Environmental Affairs implemented more strict regulations on Vietnamese and Thai nationals traveling to the country to hunt rhino. This decision followed from a sharp influx of hunters from Vietnam and Thailand, suspected of hunting and smuggling trophies into the illegal market in their home countries.

It was later discovered that traffickers in Thailand and Vietnam paid Czech nationals to take paid hunting holidays in South Africa. The trophies or horns were taken back to the Czech Republic with the 'pseudo hunters,' shipped to Thailand and Vietnam and then laundered onto the black market. In July 2013 Czech authorities arrested 16 people involved in 'pseudo hunting'. European nationals from other countries are now also suspected to be participating in the round-about trafficking of rhino horn.

This case highlights the continuing problems with international loopholes and challenges related to efficient and timely information sharing. EIA states that continued exploitation and schemes of this nature are likely to continue (EIA 2014; CITES Secretariat 2013).

3.1.3. Links of EU wildlife crime to money laundering and avoidance of financial regulations

There is a significant gap in the literature regarding links between wildlife crime and **money laundering**. The main source on money laundering in Europe is the (2013) report by Eurostat, entitled, 'Money Laundering in Europe,' and it does not reference the word 'wildlife' nor does it reference 'environment' or 'logging'.

When the focus of the literature is explicitly on wildlife crime, however, money laundering is frequently mentioned. In the main texts by Europol (2013a) and UNODC (2010b) on illegal wildlife and organised crime, money laundering is identified as being a problem in the context of wildlife trafficking and it is often listed as being associated with organised crime. However, in-depth reports on money laundering as it relates to poaching and wildlife trafficking do not exist. The 'Wildlife and Forest Crime Analytical Toolkit', of the International Consortium on Combating Wildlife Crime dedicates a chapter to money laundering as a related and associated offence of wildlife crime that can take place in the countries of origin, transit and destination (UNODC 2012). Moreover, a recent UNEP publication mentions the cooperation between INTERPOL and the UN Office on Drugs and Crime (UNODC). The two organisations have begun to assess patterns and cross-overs between illegal wildlife trade and other serious crime, such as drug smuggling and money laundering, and to apply lessons learned in these areas (UNEP 2014).

Moreover, there is a body of literature that focuses more generally on transnational crime explaining that organised crime often occurs in collusion with money laundering. Vines and Lawson (2014) make this assertion, stating that the trafficking of illegal goods such as weapons, drugs and wildlife by organised criminal groups often also involves money laundering. Warchol et al. (2003) denounce the instrumentalization of wildlife trade when it fulfils the need of transnational criminal organizations to launder profits from other illicit activities. Animals and their parts are then 'traded as payment for narcotics, arms, gems, etc. – a new method of money laundering that is cashless, traceless, and not subject to seizure like bank accounts'. For this reason, the WWF states in its (2012) report 'Fighting Illicit Wildlife Trafficking: A Consultation with Governments,' that wildlife crime needs to be addressed alongside other transnational crimes such as money laundering. Also, within the

governing structure of the UNODC , organized crime and anti-money laundering are grouped together as a single unit. A noticeable gap in the literature is the lack of a concrete definition of what actually constitutes money laundering as it relates to wildlife trafficking.

There is literature that connects illegal logging to money laundering, for example Brack (2004), the Asia Pacific Group (2008), and Saunders and Hein (2015). White (2011), also connects illegal logging and money laundering. A report by several NGOs, titled 'Wildlife and Forest Crime,' makes an explicit link between money laundering and forest crime (EIA, WWF, TRAFFIC 2013). Rose (2014) connects illegal logging and illegal fishing with money laundering and links corruption and money laundering in the Asia-Pacific region, because illicit payments made to officials are enabled by the lack of measures to ensure transparency in financial transactions and to combat money laundering.

3.1.4. Law enforcement in the EU

In its evaluation report on the role of the EU in global wildlife trade, TRAFFIC acknowledges that the European Commission and Member States have taken a number of positive steps in regulating wildlife trade, including a comprehensive regulatory framework for international and intra-EU-trade and a number of successful law enforcement actions⁵⁶. They, however, also point out that a more coordinated, strategic EU approach to wildlife trade law enforcement, implementation and compliance is needed (Engler and Parry-Jones 2007).

While the existing regulatory framework is viewed positively in general, a major problem reported frequently in the contributions to the stakeholder consultation carried out by the European Commission are uneven levels of effective enforcement of these regulations across the EU.

A number of factors influencing the level of enforcement are mentioned in the reviewed literature:

Complexity of legislation

At a national level, it seems that having numerous instruments in place complicates the situation. As Eurojust (2014) points out, the mixture of old first pillar instruments and third pillar instruments that have, since the Lisbon Treaty, fallen under the area of freedom, security and justice with more weight than before, is challenging from the viewpoint of practical implementation. Also TRAFFIC (Ó Críodáin 2007) reports that there is a widespread view that the EU regulations are too complex⁵⁷.

Investigations and evidence gathering

As reported by Eurojust (2014), the gathering of evidence on the trafficking of endangered species can be challenging, especially when several Member States or third countries are involved. Mutual assistance requests are answered often with considerable delay, which discourages the sending of such requests in the first place.

The complexity of the legislation can further lead to situations where an offence is difficult to detect and prove:

⁵⁶ For a detailed description of the regulatory framework, see Chapter 2 on the UN CITES Framework and the EU legislation on wildlife crime.

⁵⁷ See Chapter 2 on legislation

For instance, some Member States highlighted that possession of a CITES species is not always a breach of the law; rather, the law is breached only when it can be established how the specimen was obtained. Proving how a person came into possession of a specific animal can be quite challenging. Because of the difficulties in evidence gathering, it might be that if an investigation is opened, it will only focus on the unlawful possession of “strictly protected species”. This prosecutorial decision is also founded on the absence of records at national and EU level of where and when the species was imported. Furthermore, from the Member State of importation, the animal or plant can easily be moved to another Member State without monitoring due to the absence of internal border controls within the EU’ (Eurojust 2014).

Another problem reported by Eurojust is the difficulty to use relevant investigative techniques like undercover agents or the interception of telecommunications, because the use of such measures is often dependent on an offence being punishable by a certain maximum penalty. As the penalties foreseen for wildlife crime do in most cases not reach this minimum level, the most efficient and effective investigation tools are often not available for use (Eurojust 2014).

Another tool that despite its high potential is underused, according to the literature reviewed, are controlled deliveries. Controlled delivery means that a consignment of illicit wildlife products is detected and then allowed to go forward under the control and surveillance of law enforcement authorities. A controlled delivery secures evidence along the trafficking chain across countries. Both the UN Convention Against Corruption⁵⁸ and the UN Convention Against Transnational Organised Crime⁵⁹ recommend the appropriate use of controlled deliveries. The EU has recently conducted several controlled deliveries in cooperation with authorities in Hong Kong which led to convictions of at least four people, but in general the instrument is regarded as underused, including in specially coordinated international wildlife crime operations (EIA 2015).

Level of sanctions

A weakness reported throughout the literature assessing the current enforcement system regarding wildlife crime is the varying and often **insufficient level of sanctions and penalties** for wildlife offences (European Commission 2014a; Sollund 2013; Sollund and Maher 2015; Lowther, Cook, and Roberts 2002). The Environmental Crime Directive requires Member States to make illegal wildlife trade a criminal offence under national law and provide for effective, proportionate and dissuasive criminal sanctions. However, the assessment of its transposition into national law shows shortcomings in this regard in several Member States. The levels of criminal sanctions for wildlife trafficking vary significantly between the Member States⁶⁰, in some the maximum level is less than one year imprisonment. This severely limits the deterrent effect, provides incentives for criminal activities and impedes the use of some tools for cross-border or national investigations and for judicial cooperation (like the European Arrest Warrant) (European Commission 2014b; EIA 2015). Also IFAW points out that maximum penalties in many Member States do not reflect the seriousness of wildlife crime and thus do not act as a deterrent against wildlife crime (IFAW 2013a). A recent study on sanctions for wildlife crime in Scotland concludes that there is no discernible trend towards higher fines in the period 2009-2014; however, the same study concludes that in a longer perspective, starting from ca. 1990, average

⁵⁸ UN Convention Against Corruption, Article 50

⁵⁹ UN Convention Against Transnational Organised Crime, Article 20

⁶⁰ For a more detailed overview of sanction levels in the different Member States, see Chapter 4 and 5.

finances have risen while there is a lower number of convictions (Wildlife Crime Penalties Review Group 2015, 23).

One potential reason for the lenient sanctioning in many cases brought forward by Eurojust (2014) is the fact that trafficking in endangered species is a crime without apparent victims, as nonhuman species do not have a voice that enables them to protest against exploitation. They are seldom defined as victims (Sollund 2012; Sollund and Maher 2015; Wyatt 2013b). This leads to an absence of seriousness with which this crime is considered and a lack of awareness of the impact and scope of wildlife trafficking (Eurojust 2014). According to TRAFFIC, the differences in penalties across Member States can also influence trade routes for illegal wildlife trade, because those countries with low penalties become the gateway for illegal trade because the low fines if the perpetrators are caught are written off as business costs. It is also pointed out that in many cases, the actual penalties for wildlife trade offences in the EU are less than a quarter of the maximum imprisonment or fine available and often consist of administrative fines and confiscations rather than prosecutions (Engler and Parry-Jones 2007).

Yet, to put things into perspective, it should also be noted that – as is the case for other types of crime – not each individual wildlife crime should be punished by the maximum sanction. As stressed by the Wildlife Crime Penalties Review Group (2015, p. 24), there are several good reasons for why an authority or court does not impose the maximum level of sanctions: the fact that the act in question is indeed not severe as compared to others (e.g. relating only to one specimen and involving no cruelty or large-scale damage to ecosystems), the existence of circumstances in favour of the accused that need to be taken into account (e.g. admitting guilt, showing remorse), the need to differentiate between different types of offenders (e.g. first time vs. repeated offenders) and the role of plea-bargaining, where a confession may be obtained in exchange for a relatively lenient sentence.

Moreover, it is also important to note that there is still a **lack of empirically grounded knowledge** on what sanctions are effective in which circumstances. For example the Wildlife Crime Penalties Review Group (2015, p.32f) notes that respondents to a survey on sanctions for wildlife crime in Scotland had quite different views which of the sanctions for wildlife crime existing in Scotland were effective. One approach used in the literature for assessing whether sanctions on wildlife crime are too lenient is comparing the sanctions for this type of environmental crime to sanction for other types of environmental crime, e.g. pollution crimes (see for example Wildlife Crime Penalties Review Group 2015).

A recurrent recommendation in discussion on the effectiveness of environmental enforcement in the literature is that authorities should have at their disposition a toolbox with different types of sanctions and the opportunity to use them as appropriate in the circumstances of a given case and against a given offender. Besides fines and prison sentences, these could include in the case of wildlife crime forfeiture, disqualification from exercising a certain activity (e.g. owning dogs) or business (through revoking a license), restoration orders, or loss of benefits under other legislation (e.g. right to carry a firearm) (Wildlife Crime Penalties Review Group 2015); a similar point is made for other areas of environmental crime also (Ogus/Abbot 2000).

Technical skills, capacity and awareness

TRAFFIC also names **low awareness amongst the judiciary** as an exacerbating factor for a lack of enforcement. It states that even in Member States that have legislation in place that allows for high penalties, prosecutors may not understand the impact that illegal trade has on species, ecosystems and livelihoods with the result that illegal traders do not

face heavy fines or imprisonment (Engler and Parry-Jones 2007). This problem is also reported by IFAW, describing an example that occurred in Ireland in 2013, where a judge imposed a fine of EUR 500 each on two brothers from Limerick who had been caught in the attempt to illegally import eight rhino horns worth almost EUR 500 000. The judge seemed to have been unaware of Europol and several EU Member States' efforts to fight the above mentioned Irish criminal organisation from Limerick that is involved in rhino horn trafficking (IFAW 2013a). Moreover, the lack of priority and political will that exists within the legal infrastructure has had the knock-on effect that prosecutors are less likely to take on such cases or are inexperienced to do so. For detecting illegal wildlife trade, skills and awareness are required, as well as knowledge about whether a species is CITES listed or not and how to distinguish a genuine certificate from a forged one (Warchol 2007). The House of Commons Environmental Audit Committee Report on Wildlife Crime concluded in 2012 that the prosecutors' lack of expertise was one of the problems related with ineffective crime enforcement (UK Parliament 2012).

Also **limited resources** and a **lack of specialised units in police and prosecution** are impeding effective enforcement, as the latter requires technical skills and awareness. To avoid that many cases that are investigated are not prosecuted and to ensure that judges recognise the severity of the offences, the European Commission proposes that capacity building and training should address the entire enforcement chain, including prosecutors and judicial authorities (European Commission 2014b; also discussed in Sollund and Maher 2015). IFAW suggests that in some countries and regions, such as the Netherlands, Sweden and Scotland, the specialisation of public prosecutors and/or judges has resulted in an increase in successful prosecutions (IFAW 2013a). A problem in that regard could be, however, that if the area of the investigators is too broad, e.g. environmental crime also encompassing economic fraud, little resources may be spared to wildlife crimes (Runhovde 2015).

A study on wildlife crime sanctions in Scotland concludes that impact statements, i. e. statements by qualified experts or institutions on the impact of a wildlife crime in criminal proceedings may be a useful tool to enhance judges' contextual knowledge about wildlife crime (Wildlife Crime Penalties Review Group 2015, 24f., 36f.).

Cooperation and networks

As Eurojust argues, the fight against wildlife trafficking requires a multidisciplinary approach, based on cross-agency cooperation both at national and EU level. However, a **lack of cooperation** is reported on many levels:

'A number of national authorities are crucial to fighting the trafficking in endangered species. One of the most important is customs authorities who, by controlling goods and persons, often discover living or dead endangered species. However, some Member States have stressed that even among administrative authorities, cooperation can be poor. A lack of coordination between administrative authorities leads the public prosecutor, in some Member States, to a situation where s/he does not receive the proper and necessary information. In some countries, environmental inspectors exist; in others, customs specialists are the only law enforcement/ investigative bodies of this specialisation. Health authorities, such as veterinarians, are also particularly important, as non-authorized and rare species can bring with them unknown and/or dangerous viruses that could ultimately be threatening to human beings. However, control authorities – whatever their background might be - do not always carry out as many controls as they would like due to lack of personnel and the implementation of other priorities' (Eurojust 2014, 13).

IFAW concurs and describes the problem of a lack of cooperation:

'A key complication for effective enforcement collaboration is the fact that different agencies are responsible for CITES enforcement, each with their own responsibility, management structure, culture, approach to the issue, etc. (i.e., police, customs, inspectorates). Often there are not just institutional but also legal obstacles to the sharing of information and collaboration among these different agencies. In several Member States, there are no agreed-upon priorities for CITES enforcement among the different agencies involved, and there is limited insight into the scale and nature of illegal wildlife trade due to a lack of centralised intelligence gathering and analysis.

The crux to effectuating an EU enforcement strategy at a national level and making it work would be to ensure that mechanisms are in place (at a national level) for collaboration and coordination among the different agencies. In many Member States such mechanisms are lacking or not as effective as they could be' (IFAW 2013a).

EU **networks** of environmental enforcement practitioners, customs authorities, prosecutors and judges play an important role in facilitating the cooperation between enforcement agencies and building an enforcement community for tackling wildlife crimes (Smith and Klaas 2015). These networks serve as platforms that promote the exchange of information and experience on tackling environmental crimes, including wildlife crime. There is for example the European Network of Prosecutors for the Environment (ENPE), the European Union Forum of Judges for the Environment (EUFJE), the European Network for the Implementation and Enforcement of Environment Law (IMPEL). However, as the European Commission states, the status and financing of the networks is only secured on a short-term basis and the cooperation amongst them is limited so far (European Commission 2014b).

3.1.5. The role of the EU in global wildlife trade

The EU and Global Governance: An Inherent Interest to End Wildlife Trafficking

The EU is an integral actor in illegal wildlife trade in different ways and roles (i.e. source, transit, consumer region) depending on the item being traded. As a result, it is also important to evaluate how the EU perceives illegal wildlife trade as negatively affecting its interests both domestically but particularly in third countries as they relate to **economic development, peace and security**. The EU is a major provider of official development assistance worldwide and has contributed significant funds and support to promote long term economic development and biodiversity conservation programs abroad (e.g. BIOPAMA⁶¹, Ecofac⁶² etc). The perpetuation of illegal wildlife trade and the corresponding environmental loss of biodiversity and economic loss of illegally squandering natural resources thwart European foreign policy interests as well as its diplomatic and financial commitments.

Existing research shows that illegal trade in environmental resources undermines legal and regulated exploitation of natural resources by legitimate businesses, communities and

⁶¹ The Biodiversity and Protected Areas Management Programme (BIOPAMA). The three implementing partners of BIOPAMA are IUCN, the EC-JRC (European Commission Joint Research Centre) and the multi-donor ABS (Access and Benefit Sharing) Capacity Development Initiative managed by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. BIOPAMA is financially supported through intra-ACP resources from the 10th European Development Fund. For more information: <http://biopama.org/about/>.

⁶² Conservation and rational use of forest ecosystem in Central Africa (ECOFAC). For more information: http://ec.europa.eu/europeaid/documents/case-studies/central-africa_natural-resources_ecofac_en.pdf.

governments. Crucially, it also robs countries of their natural resources in an unsustainable way that negatively affects the long-term economic opportunities of countries. The most evident example related to wildlife trafficking is made by Smith and Porsch (2015) who argue that the significant contribution of wildlife watching tourism to many African communities in terms of employment and economic revenue is seriously jeopardized by illegal poaching and trafficking, specifically of rhino horn and ivory. Some literature attempts to compare economic losses incurred from illegal wildlife trade with development aid. INTERPOL and UNEP (2014) published a report comparing the monetary value of illegal trade in environmental resources (trade that only benefits a small number of corrupt individuals) to the aid money provided by foreign donor countries to contribute to developing countries, which are most susceptible to illegal and unsustainable exploitation of resources by illegitimate governments, organized criminal networks and armed groups. The report, 'The Environmental Crime Crisis: Threats to Sustainable Development from Illegal Exploitation and Trade in Wildlife and Forest Resources,' estimates that the monetary value of all transnational organized environmental crime is between USD 70-213 billion annually in comparison to the total annual Overseas Development Assistance which amounts to USD 135 billion (Nellemann et al. 2014). Hence the amounts in what is illegally procured and what is currently provided in development assistance are comparable; this implies that less assistance would be needed if legal and legitimate entities were able to sustainably manage their resources, in place of the illegal networks and trade that currently abuse and sell-off public resources for personal gain. Illegal poaching and wildlife trafficking in Africa and its repercussions which include poverty, conflict, instability, erosion of institutions etc., create a situation of protracted or backwards economic development and in turn dependency on the EU and other donors for financial assistance (Nellemann et al. 2014). However, negative impacts of wildlife crime on other businesses have also been observed within the EU; for example, a study on wildlife-related sanctions in Scotland notes that "persecution of raptors in particular is often said to be blighting Scotland's reputation and harming [...] tourism" (Wildlife Crime Penalties Review Group 2015).

Civil Conflict funded by Illegal Ivory: Relevance to the EU?

Wildlife crime and trafficking have strong implications for **security** in some source countries which in turn may have security implications for the world and the EU. There is an increasing body of literature that argues that militant armed groups are using wildlife trafficking to fund violent activities, terrorism and to perpetuate **civil conflict** at enormous human, environmental and economic cost. While the most immediate impacts are felt in those countries where conflict and violence take place, the involvement of the EU in peace keeping missions, development assistance and military intervention is significant. Moreover, terrorism for example finance by wildlife trafficking may also affect the EU's security.

Africa is the region where wildlife trafficking and civil conflict are brewing most violently. Wildlife is being used as a resource to wage, maintain and prolong civil conflict on the continent. Political theories espoused by Ballentine's (2014) and Le Billon(2000) explain that civil conflict can be manipulated by control over local resources and commercially global networks of support. Wildlife and specifically ivory on the African continent are resources that are being used to wage, fund and maintain conflict and are thus influencing the course of civil conflict in Africa (Ballentine et al. 2014).

While wildlife crime is by no means an exclusive cause to conflict in Africa, it is increasingly recognized as a relevant factor. According to an extensive literature review conducted by Lawson and Vines (2014), a series of articles and reports document the link between poaching and trafficking on the one hand and civil conflict, armed groups and terrorists on

the other. Africa is the geographic region of focus and illegal ivory the commodity. Beyers et al. (2011) explain how several armed groups, some of which had been participating in NGO organized anti-poaching missions, are implicated in the ivory trade (Beyers et al. 2011). Douglas-Hamilton (2013) identifies militia groups such as the Lord’s Resistance Army (LRA) and the Janjaweed in mass poaching of elephants and argues that African countries have neither the financial resources nor the political will to adequately finance conservation programmes. In 2013, a report by UNEP, CITES, IUCN and TRAFFIC confirmed that since 2007 armed non-state actors including the LRA and Janjaweed⁶³ have poached elephants to exchange ivory for money, weapons and ammunition (UNEP 2013b). EUROPOL and UNEP estimate that the annual income from ivory to militias in the entire Sub-Saharan range is between USD 4 and 12.2 million annually (UNEP 2013b). East and Central Africa are the most dire areas for elephant poaching with more than 100 000 elephants poached between 2009 and 2012 (Christy 2015). In addition to wildlife casualties, human casualties resulting from entrenched civil conflict and violence have been considerable. Protracted conflict is an important cause of global migration (Di Bartolomeo et al. 2012).

The countries in this region: the Central African Republic (CAR), The Democratic Republic of Congo (DRC), Sudan, South Sudan and Chad are the five of the most unstable nations in the world according to the Fund for Peace (Fund for Peace 2015) and the nations with the most elephants poached. The table below illustrates the amount in **development assistance, peacekeeping and stabilization** that the EU has spent in recent years.

Table 2: EU Development assistance for selected African countries

Country	Year(s)	EU Development AID
CAR ⁶⁴	2013-2015	EUR 83.5 million
DRC ⁶⁵	2008-2013	EUR 548 million
Sudan ⁶⁶	2011-2013	EUR 150 million
South Sudan ⁶⁷	2011-2013	EUR 285 million
Chad ⁶⁸	2008-2013	EUR 368 million
	2014-2020	EUR 442 million

Wildlife trade and instability are not exclusive to Africa. Elliot (2009) focuses specifically on the Asia Pacific and the role that transnational environmental crime (i.e. wildlife trafficking and illegal logging) has in the region. Elliot describes the ‘pernicious effects’ on **regional stability** and development, the rule of law and the welfare of the region’s people which are identified as matters of serious concern by the ASEAN Declaration on Transnational Crime.

⁶³ The Janjaweed “devils on horseback” are an Arab militia group known as Janjaweed that are implicated in the ethnic cleansing and genocide in Darfur. The LRA is a rebel Christian cult group accused of widespread human rights violations operating in northern Uganda, South Sudan, the Central African Republic and the Democratic Republic of Congo.

⁶⁴ http://eeas.europa.eu/central_african_republic/index_en.htm

⁶⁵ http://eeas.europa.eu/congo_kinshasa/index_en.htm

⁶⁶ http://eeas.europa.eu/sudan/index_en.htm

⁶⁷ https://ec.europa.eu/europeaid/countries/south-sudan_en

⁶⁸ http://eeas.europa.eu/chad/index_en.htm

A report by the US government makes connections between illegal wildlife trade in Central Asia and Africa and the **terrorist groups** including Al-Qaeda, al Shabaab (Kalron and Crosta 2012), the SPLA⁶⁹, the Congolese Army, the FDLR⁷⁰, and the CNDP⁷¹ in the DRC (Cardamone 2012). However, a report (2015) by the Royal United Services Institute for Defence and Security Studies argues that evidence of al Shabaab' involvement in elephant poaching and trafficking remains extremely limited and controversial. The Congressional Research Service for the US Government also found some of Africa's most notorious dictatorships to use wildlife trafficking to support their political and economic base.⁷² In Central Asia, Wyatt (2010) (2011) found that the illegal falcon trade which sees a single falcon sold for USD 100 000 is connected to organised crime and terrorism.

Box 3: Joseph Kony uses Ivory to Fund Civil Conflict: EU Role and Relevance

As a major world power, the EU has and continues to play an active role in peace operations, development assistance, and stopping gross human rights violations. Several specific conflicts also have indirect repercussions on the EU itself. Instability and conflict in a third country often create direct and indirect international security threats. Prolonged conflict is also the main cause of forced displacement (UNHRC 2014).

The scale of violence of Joseph Kony and The Lord's Resistance Army (LRA) are well documented and there are several studies that claim that Kony and the LRA poach elephants to buy weapons and fund their extremist terrorist activities. Agger and Hutson (2013) document evidence of the LRA in the Democratic Republic of Congo (DRC) poaching elephants and selling the ivory to fund violent activities that undermine the security programmes funded by the EU and implemented by the African Union. Other studies documenting the LRA and their involvement in illegal poaching and ivory trafficking include Wittemyer et al. (2013), a report by The Resolve and Invisible Children (2012), and Titeca (2013). A study by Human Security Baseline Assessment (HSBA) finds that the LRA is harvesting ivory tusks in the Central African Republic to 'barter for guns and ammunition,' and found evidence of aerial poaching which implies involvement of organized larger poaching operations.

Currently, the EU provides one third of all humanitarian assistance to South Sudan, one of the countries affected by the LRA's terrorist activities, and has spent EUR 298 million in 2015 alone.

3.1.6. Best practices examples of regional cooperation on wildlife crime

Trafficking and poaching wildlife have mobilised a broad coalition of international actors and institutions not formerly associated with the environment or wildlife crime to become actively involved in the issue. The EU and its Member States are taking part in international efforts to combat wildlife crime in various ways, from the provision of training and capacity building to participation in programs and operations.

In 2010, CITES, the United Nations Office on Drugs and Crime, INTERPOL, the World Bank and the World Customs Organisation (WCO) formed the **International Consortium on Combating Wildlife Crime (ICWC)** and signed a letter of understanding. In 2012, the European Commission provided a three year funding to the ICWC of EUR 1.73 million,

⁶⁹ The SPLA is the Sudan People's Liberation Army that is the army of the Republic of South Sudan.

⁷⁰ The FDLR are the Democratic Forces for the Liberation of Rwanda and are the primary remnant Rwandan [Hutu](#) rebel group operating in the east of the [Democratic Republic of the Congo](#).

⁷¹ The CDNP is the National Congress for the Defense of the People and is a political armed [militia](#) in the [Kivu](#) region of the [Democratic Republic of the Congo](#).

⁷² The National Union for the Total Independence of Angola (UNITA) and the Mozambican National Resistance (RENAMO) are suspected to traffic wildlife.

supporting the '**Project Combat Wildlife Crime**' in its efforts to support capacity building of national law enforcement agencies and the implementation of ICCWC tools and activities. In 2012, the ICCWC launched the '**Wildlife and Forest Crime Analytical Toolkit**'. The Toolkit is designed to help countries identify where gaps exist in enforcement, legislation, judiciary and prosecution. After identifying gaps at a national level, countries are encouraged to request technical assistance through ICCWC (Nellemann et al. 2014). The EU has contributed and participated in the **Wildlife Enforcement Networks (WEN)**⁷³, the regional networks that encourage increased bilateral and regional cooperation and exchange of information and experiences across borders in combating illegal wildlife trade. The Special Committee for organized crime, corruption and money laundering in the European Parliament recommended that the EU should fund these networks⁷⁴. In their first meeting in 2013, the WEN concluded 'that a significant need exists for specialized training (such as training with regard to the use of controlled deliveries) and technical assistance (DNA/forensics training and sample collection and strengthening of existing facilities), both at national and an international levels; the need for increased political support to combat wildlife crime and to raise awareness amongst senior government officials on wildlife trafficking; the need for improved enforcement standards; the need for direct, fast and secure communication and information exchange; the need for strengthened national legislation which will make provision for stronger sentences and facilitate the use of specialized investigative techniques such as anti-money-laundering legislation and asset forfeiture, and the need for demand reduction strategies and campaigns to curb the use of illegal wildlife products'⁷⁵.

The European Commission is furthermore a major contributor to INTERPOL in support of its efforts to combat wildlife crime and protect the world's natural resources from the illegal international trade in wild flora and fauna.

INTERPOL's **Environmental Crime Unit** conducted extensive training for law enforcement officers and conducted successful operations across a number of countries. Established in 2009, the unit became an official Sub-Directorate of INTERPOL in 2013. In Tanzania, over 1 100 rangers have received specialized training in the last two years and this has resulted in a series of arrests. Training of rangers is not only helping reduce poaching incidents but helping to build successful prosecutions in court trials (Nellemann et al. 2014). Starting in 2012, INTERPOL has been promoting the creation of multi-agency units called **National Environmental Security Task Forces (NESTS)** (INTERPOL 2012).

INTERPOL has sought to assist East African countries in addressing legislative and law enforcement shortfalls and in strengthening their capacity to carry out investigations (Nellemann et al. 2014). It has established a Nairobi based office to support its Project Wisdom, which combats illicit wildlife trade. The special investigative team collaborates with national law enforcement agencies under a specific mandate that targets ivory and rhino horn trafficking.

⁷³ The networks are the Association of Southeast Asian Nations WEN (ASEAN-WEN), the Central African Forests Commission (COMIFAC), Central America WEN (ROAVIS), the China National Inter-agencies CITES Enforcement Coordination Group (NICECG), the European Union Enforcement Working Group, the Horn of Africa WEN (HAWEN), the Lusaka Agreement Task Force (LATF), the North America Wildlife Enforcement Group (NAWEG), the South America WEN and the South Asia WEN (SA-WEN).

⁷⁴ Proposal for a resolution of the European Parliament on organized crime, corruption and money laundering: recommendations on actions and initiatives to be taken - interim report - Rapporteur: Salvatore Iacolino, (2012/2117(INI), A7-0175/2013, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2013-0175&language=EN>

⁷⁵ ICCWC, "First Global Meeting of the Wildlife Enforcement Networks. Meeting Report", p. 4, available at <https://www.cites.org/sites/default/files/common/docs/ICCWC%20Report%20-%20First%20Global%20Meeting%20of%20the%20WENs%20-%20Final.pdf>.

Programs and Operations

On customs, the **UNODC-WCO Container Control Programme (CCP)** has effectively worked on improving inspections of sea and dry port container shipments. Seizures include not only counterfeits and drugs but also wildlife and timber products such as ivory, rhino horn and rosewood (Nellemann et al. 2014). There is wide international support for the CCP, the donor countries include France, Germany, Italy, Norway, Spain and the United Kingdom (UK). In addition the CCP has received in-kind contributions from a range of countries including Belgium, Czech Republic, France, Germany, Norway, Spain and the UK (UNODC 2015).

Operation Wildcat in East Africa was an ICCWC programme and involved wildlife enforcement officers, forest authorities, park rangers, police and customs officers from five countries Mozambique, South Africa, Swaziland, Tanzania and Zimbabwe. The operation led to the seizure of 240 kg of elephant ivory, 854 timber logs and 660 arrests. It led to the seizure of 20 kg of rhino horns, 637 firearms and 44 vehicles (Nellemann et al. 2014). Ahead of the operation, 26 officers from Mozambique took part in a training programme at INTERPOL's National Central Bureau in Maputo supported by the Portuguese Military Police, where they were updated on the latest wildlife investigation tools and techniques.

In the UK, the **Partnership for Action Against Wildlife Crime (PAW)** brings together the police, Her Majesty's Revenue and Customs, representatives of government departments and NGOs to provide a co-ordinated and strategic approach to wildlife law enforcement. Examples of successes include an investigation in December 2006, which resulted in a person in the UK being fined the equivalent of over EUR 8 000 for selling endangered species including products derived from bear, seahorse, saiga antelope, musk deer and rare species of orchid and tree fern (Engler and Parry-Jones 2007).

In 2005, the Italian enforcement authorities carried out a highly successful investigation and joint enforcement action with Austrian and German enforcement authorities, called **Operation CONDOR**. The operation resulted in the seizure of 12 eggs and 186 CITES Appendix-listed birds of prey as well as the conviction of two persons (Engler and Parry-Jones 2007).

Operation COBRA III

The biggest ever coordinated international law enforcement operation targeting the illegal trade in endangered species was conducted in May 2015 and called COBRA III. **Operation COBRA III** saw the participation of law enforcement teams and agencies from 62 countries in Europe, Africa, Asia and the U.S.. Europol supported the operation across Europe by facilitating operational information exchange and coordinating the activities of police, customs, forestry and other law enforcement authorities from 25 participating EU Member States. The operation was organised by the Association of Southeast Asian Nations Wildlife Enforcement Network (ASEAN-WEN) and the Lusaka Agreement Task Force (LATF), and supported by numerous international agencies and organisations such as INTERPOL (Europol 2015).

The operation resulted in 139 arrests and more than 247 seizures, which included elephant ivory, medicinal plants, rhino horns, pangolins, rosewood, tortoises and many other plant and animal specimens. Key successes during the operation included the arrest of a Chinese national who presumably had been coordinating rhino horn smuggling from Namibia, the arrest of a notorious elephant poacher in India and the seizure of 340 elephant tusks and 65 rhino horns in Mozambique (CITES 2015).

Within the EU, key activities included the interception and seizure of 20 kg of live leeches and 25 kg of coral in Bulgaria, 10 000 dead seahorses and over 400 live turtles/tortoises in the UK (and another 300 in Croatia), over 90 kg of coral and more than 50 kg of animal parts (including heads and horns) in Spain, more than 500 kg of frozen eel in Poland, over 800 cacti in a joint German/Chinese operation, 16 whale ribs in the Netherlands and 50 kg of raw (unworked) ivory in France (Europol 2015).

Many of the projects or enforcement initiatives such as COBRA III mentioned above use the number of seizures or confiscations as an indicator of success and best practice. It needs to be noted that, seizures and confiscations are limited measures of success, because they represent only what is noticed by the authorities and thus only a fraction of the actual trade.

Box 4: EU involvement in Central Africa – from best to worst practice

Over the last decades, the EU has also intervened in Central Africa through several conservation programmes, investing more than EUR 200 million, contributing to the management of eleven of the most important protected areas in Central Africa. In 2008, the EU negotiated an Economic Partnership Agreement with CAR that was considered a model because it included environmental clauses developed in subsequent agreements with the European Fund for Development funding the “North–East CAR fauna ecosystem project (ECOFAUNE-RCA) in 2009. Major efforts were dedicated to anti-poaching activities, poverty reduction of surrounding populations, capacity-building and regional governance (European Commission 2015b). Interestingly, what could have been a ‘best case’ example is actually not. In 2012, the United Nations reported that 22 of the 60 eco-guards engaged by the EU funded ECOFAUNE project to patrol were allegedly involved in poaching. This example highlights the ‘good intentions’ of the EU but the need for ad hoc strategies in each country that can adapt and adequately address the unpredictability and corruption that exists in such missions (Fajardo 2016).

3.2. Summary of gaps in the existing literature

The European Commission, Eurojust, NGOs and networks like TRAFFIC have issued a range of reports assessing the role of the EU in illegal wildlife trade as well as the enforcement of regulations regarding the issue, providing valuable insights on major trade routes, traded species and the strengths and weaknesses of law enforcement in the EU. However, this is mostly rather general information, illustrated by individual examples. Regarding **country-specific information**, there is a great difference in the extent that Member States provide information not only on legal wildlife trade, but especially on illegal trade, reflecting the huge differences of the level of priority that is given to the topic of wildlife crime among Member States. This is especially relevant since the EU is a trading block without internal border controls, so once wildlife products are successfully smuggled into one Member State, they can circulate freely to other countries because of limited custom controls, making it difficult to assess the extent and directions of internal trade (Sollund and Maher 2015; van Uhm 2015).

In general, **more detailed information is needed on the whole trafficking chain** and the connections between the different elements of this chain. Much of the available research is about e.g. poaching of elephants in source countries in Africa as well as demand for wildlife products like medicine in destination countries like China, but more detailed evaluation of transit routes and the role of different EU countries in this regard would be valuable, especially because trade routes vary considerably depending on the traded species, whether its live or a product from, etc.

Concerning **sanctions** for wildlife crime, there is still a **lack of empirically grounded knowledge** on what sanctions are effective in which circumstances.

Despite extensive literature on the existence of a link between **organised crime** and illegal wildlife trade, much of the literature does not go in depth to explain what exactly constitutes organised crime, how to define it, or how it is different from other similar illegal actors/actions in wildlife trafficking such as armed groups and military factions. Thus, more focus on providing an explanation of organised crime as it relates to wildlife trafficking is necessary, particularly to facilitate its accurate identification and differentiation from other types of crime.

Studies identify organised crime syndicates as actors taking part in illegally trading wildlife for financial gain. There is a need for more empirical (e.g. ethnographic) research to improve our understanding of each step of the value chain from source to consumption and the existence of organised crime needs to be assessed with regard to each element of this value chain.

While OCGs are identified by EUROPOL and the literature as perpetuating corruption and instability and acting alongside other criminal actors such as armed non-state actors, rebel groups, militia groups etc., the connection and relationships between such environments and actors is not well researched or empirically studied (Lawson and Vines 2014).

NGOs such as WWF and TRAFFIC have produced reports that detail specific cases or investigations where organised criminal groups have been involved in wildlife trafficking. However, there are few reports that provide substantial information on how enforcement has been able to effectively or ineffectively deal with organised crime more generally, and specifically in relation to wildlife crime. While the CITES Biennial reports detail seizures, more literature on how organised crime in wildlife can be or is detected and enforced is important. Moreover, the majority of literature on organised crime in wildlife trafficking is concerned with ivory and sometimes rhino horn. It would be important to understand how organised crime is also involved in other areas of wildlife trade, specifically the pet and medicinal trade. One way of investigating this is to carry out case studies that focus on specific species or situations.

There is a significant gap in the literature regarding links between illegal wildlife crime and **money laundering**. While there are some references to money laundering in texts on illegal logging, there are no similar texts on money laundering in relation to wildlife crime. Even though money laundering is often mentioned as occurring alongside the involvement of organised criminal networks, concrete examples are not identified in the literature and references remain vague.

Even though the first of the 40 Recommendations of the Financial Action Task Force (FATF/OECD) considers environmental crime as one of the predicate offences linked to money laundering, the Mutual Assessments on the implementation by EU Member States and other countries on these 40 Recommendations do not examine environmental crime or wildlife crime. Moreover, studies on Anti-Money Laundering legislation and practice, even though addressing predicate offences, do not cover wildlife crime, as in Tillen and Billings (2015) report.

3.3. Conclusions

The following core conclusions can be drawn from Chapter 3:

- The EU is one of the main global markets for wildlife trade. It is also a complex one as it is one trading block with a comprehensive regulatory framework, but without internal border controls and many different Member States with different measures and procedures for controlling the trade and enforcing regulations.
- The EU is both a destination and a transit region for high-value wildlife products; seizures at EU borders consist mainly of reptile leather products, live reptiles, birds, corals, mussels, caviar, traditional Chinese medicine and ivory, with the main trade routes leading from Africa to South-East Asia.
- Although the EU has a comprehensive regulatory framework regarding wildlife trade, there is some criticism concerning gaps. However, the main concern is over insufficient and uneven levels of enforcement of the existing legislation across the EU. Particular problems are the varying and often low level of sanctioning, a lack of resources, technical skills, awareness and capacity among police forces, prosecutors and judicial authorities, the low level or priority given to wildlife crime in enforcement institutions and a lack of cooperation between agencies. Concerning sanctions for wildlife crime, there is still a lack of empirically grounded knowledge on what sanctions are effective in which circumstances.
- Organised criminal groups (OCGs) participate in and profit from illegal wildlife trade. They consider it an appealing black market business because it is perceived to be low risk with limited possibilities of prosecution or detection and high margins of profit. OCGs operating in illegal wildlife trade are often involved in multiple types of transnational illegal trade with overlaps of wildlife trade specifically with arms and drugs trafficking.
- While OCGs are actors in illegal wildlife trade, not enough is known about how they operate, the details of the trade routes, or the specific actors involved. More research and a better understanding of the entire supply chain from source to consumption are needed.
- While there are some references to money laundering in texts on illegal logging there are no empirical studies on money laundering in relation to wildlife crime.
- The illegal trade of specific wildlife products (i.e. ivory, rhino horn) is associated with conflict, insecurity and instability in some source countries. For this reason, illegal trade of wildlife products is increasingly viewed as a security issue not only for source countries but for Europe and the international community.
- Illegal wildlife trade negatively affects legitimate businesses (e.g. wildlife tourism) and economic development. It is therefore undermining development efforts and is counter-productive to European developmental and environmental foreign policy interests as well as funding efforts.

4. SYSTEMATIC OVERVIEW OF WILDLIFE CRIME IN THE EU

KEY FINDINGS OF CHAPTER 4

- The EU is both a destination and a transit region for wildlife products; seizures at EU borders consist mainly of reptile leather products, live reptiles, birds, corals, mussels, caviar, traditional Chinese medicine and ivory.
- The overall trend in wildlife crime measured in the number of seizures has been roughly constant in recent years. Seizures are concentrated in countries with large overall trading volumes like Germany, the Netherlands, Spain and France.
- About half of the seizures are carried out at airports. Mailing centres are expected to become more important in coming years.
- The information on trade routes is still not detailed enough but the following four important trade routes could be identified:
 - Large mammals like elephants, rhinos and big cats from Africa and South America to major trade hubs and for further transit to Asia
 - Coastal smuggling of leeches, caviar and fish and for the pet trade in Europe, reptiles and parrots.
 - Endangered birds from South Eastern Europe to Southern Europe
 - Russian wildlife and Asian exports via Eastern European land routes
- Although European countries seem to have become less important consumers in the well-known trade with African mammals, many European countries still seem to have a very important role as a trading hub in exactly that trade. One area where Europe has become more important as a customer is the demand for alternative medicinal products very often produced in Asia with the products of endangered wildlife.
- The EU-TWIX data gives a very useful consistent overview on the trade with illegal wildlife products. Missing from this data base is more precise information that could be used to uncover multi staged trade routes of wildlife products.
- The empirical research conducted for this study does not necessarily confirm that organised crime (however defined) is a major issue in relation to wildlife crime within the EU, at least not within all Member States.
- Altogether, there is a very limited evidence base on the links between money laundering and wildlife crime within the EU. This does not mean that there are no such links; however, further efforts would be needed to better understand them.

The following overview combines the knowledge on Illegal wildlife trade in the EU developed in the country profiles, from overarching EU studies and from the online survey.

Additionally to that, the consortium did receive access to the EU-TWIX database for 22 Member States. The EU-TWIX database gives an overview on all seizures of illegal wildlife species traded from 2007-2014. Although the statistics leave some gaps, they provide a very comprehensive overview on the detected extent of illegal wildlife trade.

4.1. Illegal wildlife trade within the EU

Overall trends

Currently there is no clear trend visible in the number and size of seizures as an indicator for the size of illegal trade. For the countries with a complete dataset the numbers of seizures oscillate with some spikes and troughs but without clear trends. For the EU 28 the numbers stay roughly constant with a drop in 2013/14 which might be due to the not yet recorded reporting of some countries for 2014. It is worth noting that in any case the number of seizures is only an indicator of illegal trade as a low number of seizures can either point to a lack of enforcement or the absence of illegal trade.

For the period of 2011/12 a fuller statistical picture is available. A total of 5 996 seizure records were reported by 28 EU Member States in 2011 and 2012. Germany, the Netherlands and the UK together reported 70 % of the international seizure records in 2012. Illegal trade is following major trade routes for legal goods, concentrating on several major airports (e. g. London Heathrow, Paris Charles de Gaulle, Frankfurt a. M. and Amsterdam Airport Schiphol) and shipping lanes (e.g. ports of Antwerp and Rotterdam). The number of seizures therefore differs strongly in the different Member States, which is sometimes but not always a sign of lack of enforcement.

Before 2005 illegal trade in the EU was already a significant factor in biodiversity loss. Biennial reports submitted by the EU-25 to the European Commission show that from 2003 to 2004, enforcement authorities in the EU-25 made over 7 000 seizures involving over 3.5 million CITES-listed specimens. Since 2001, the UK alone has seized over 142 tonnes of illegally traded Ramin, a CITES Appendix II-listed timber species often used for picture frames and snooker cues. In addition, between 2000 and 2005, almost 12 tonnes of caviar were reported as having been seized in the EU and Switzerland (Engler and Perry-Jones 2007).

Table 3: Trends in number of seizures (EU-TWIX and other sources)

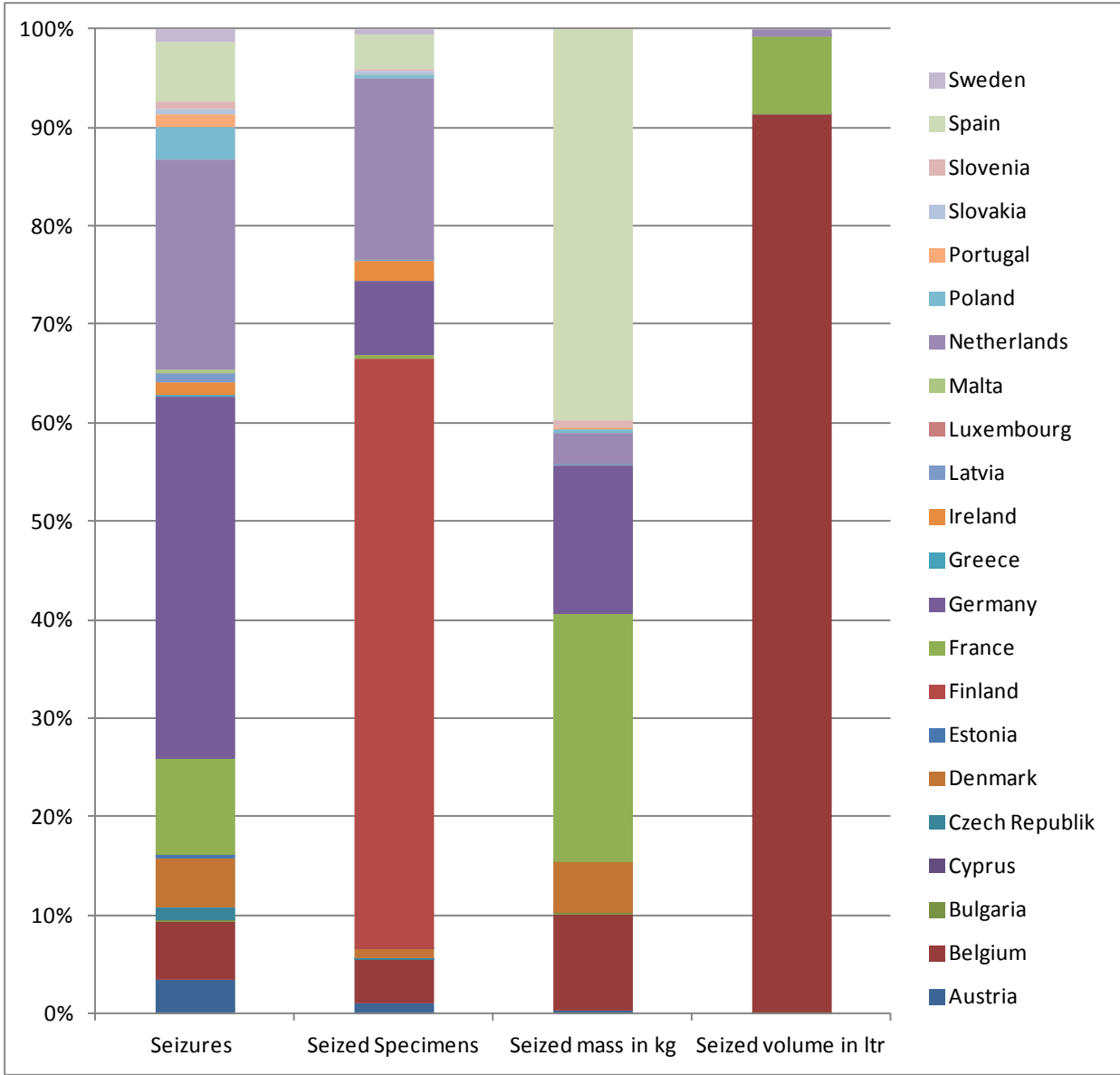
	2007	2008	2009	2010	2011	2012	2013	2014	All Years
EU-TWIX									
Austria	74	61	117	96	97	143			588
Belgium	47	66	193	190	169	210	136		1 011
Bulgaria		4	3	2	6	9	1	8	33
Cyprus	1		4	3		1			9
Czech	61	63	47	11	9	3	3	15	212
Denmark	62	178	80	105	99	107	255		886
Estonia	8	9	3	1		8	13	4	46
Finland	2	3	1	1	1	1			9
France	123	214	167	190	157	99	519	232	1 701
Germany	770	712	853	890	912	802	741	686	6 366

Greece								28	28
Ireland	12	76	41	7	30	24	11	8	209
Latvia	11	36	13	13	40	9	17	22	161
Luxembourg	11	9							20
Malta	5	3	5	4	4	9	10	8	48
Netherlands	319	356	703	405	355	530	427	595	3 690
Poland	73	84	118	61	24	117	54	39	570
Portugal	79	84	32	4	17	6	15	14	251
Slovakia					11	11	11	11	44
Slovenia	19	22	18	33	35	11	2		140
Spain	147	268	142	141	88	114	140	3	1 043
Sweden	16	61	10	8	37	33	45	26	236
Total EU	1 840	2 309	2 550	2 165	2 091	2 247	2 400	1 699	17 301
Croatia				723	77				800
Estonia							29	30	59
Hungary									0
Italy					21	21	28	29	99
Lithuania							31	32	63
UK	360	431	358	387	423	667			2 626
EU 28	2 200	2 740	2 908	3 275	2 612	2 935	2 488	1 790	20 948

The number of specimens and the weight of the seizure is also recorded in the TWIX database but the numbers are more difficult to interpret than the seizure numbers. Single seizures can consist of thousands of specimens and one specimen can be one elephant tusk or one flower. Sometimes flower seizures are recorded in numbers of specimen and other times they are recorded in kg with much smaller numbers.

For example the dominance of Finland in the numbers of specimen distribution is mainly dependent on one single seizure of ray finned fish in 2011 with a large number of specimens. The dominance of France in the "mass in kg" measurement is on the other hand due to the fact that France is recording most of its seizures of ray finned fish and Elephant casks in kg while in other countries the recording behaviour seems to differ. It is very rare that a seizure is recorded in "liter", the few recordings under "liter" are flowers and so the Belgian dominance under the heading "liter" is actually not significant.

Figure 2: Distribution of seizures measured in number of seizures, number of specimen and mass 2007-2014



Traded commodities

The type of commodities illegally traded is very intertwined with the trade routes used. The main types of commodity seized at EU borders in 2012 (TRAFFIC 2013) were:

- (i) medicinals, including both medicinal products and parts/derivatives for medicinal use, and rhino horn (over 3 million items (e.g. pills, packets, etc.) and over 3 500 kg),
- (ii) ivory (1 523 specimens and approximately 70 kg),
- (iii) live reptiles (812 specimens),
- (iv) reptile bodies, parts and derivatives (1 629 specimens),
- (v) caviar (51 kg),
- (vi) mammal bodies, parts and derivatives (316 specimens), and

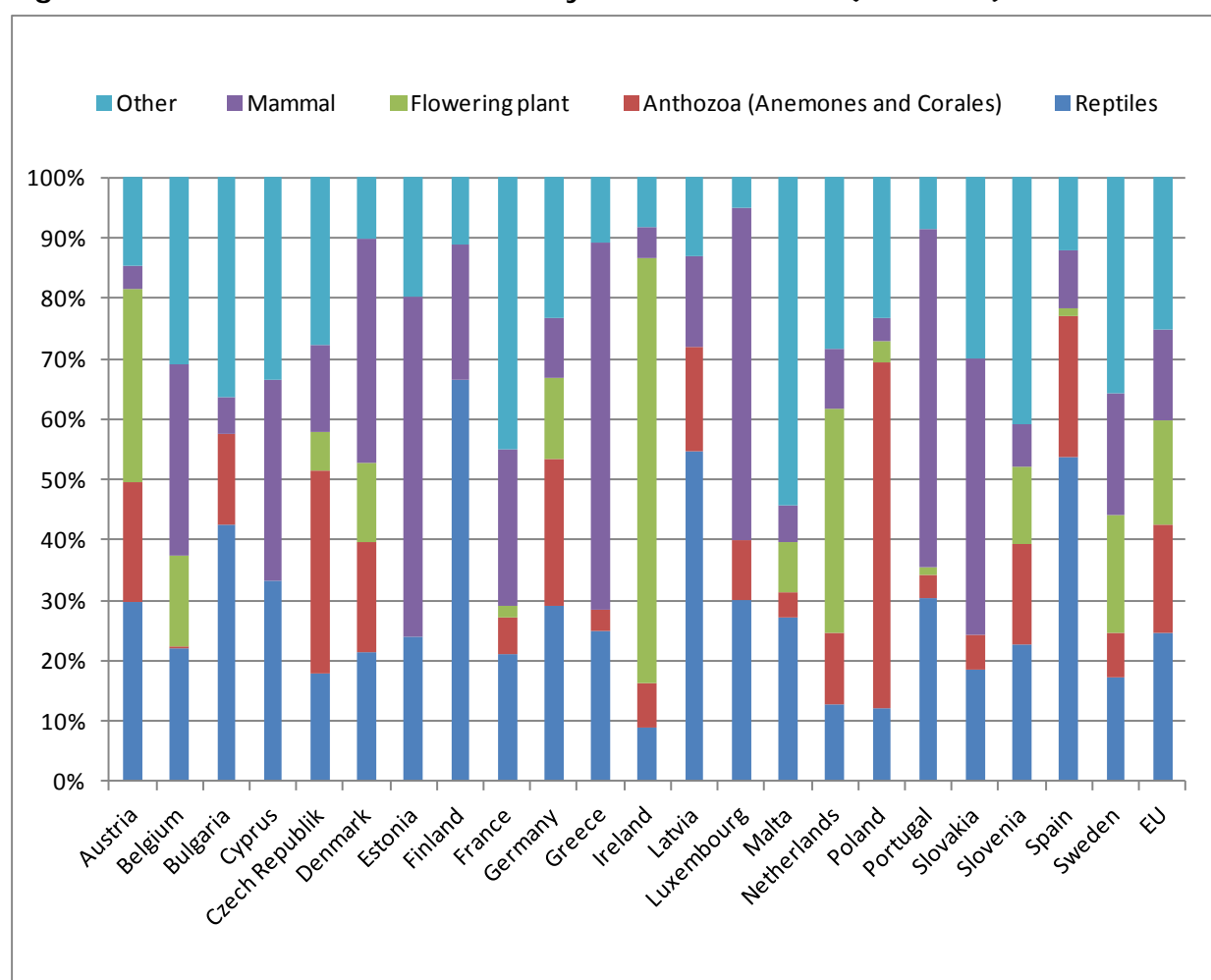
(vii) corals (1 387 specimens and approximately 2 850 kg).

The commodity groups involved in the seizures were broadly the same in 2011 as in 2012, although their order of importance (in terms of number of reported seizure records) shifted slightly between the two years. In particular, the proportion of reported seizure records involving ivory increased in 2012, causing it to rise to the second most frequently seized commodity in the EU in 2012, from third in 2011. The commodity group 'medicinals' ranked first in both years (TRAFFIC 2013).

In recent years these trends have continued. Trade in ivory has become even more important and the trade in live tortoises and live parrots as pets is still very important in many countries. Additionally, judging from the national reports already available for 2013/14, the trade in orchids and caviar and additionally the trade in leeches and other animals for medical products of alternative medicines also seems to be important.

The EU-TWIX database provides some additional insights. Between 2007 and 2014 over 4 000 seizures of reptiles, about 3 000 flower seizures and about 3 000 seizures of anthozoa (corals and anemones) were made. Mammals were seized in about 2 500 cases, while about 4 000 seizures concerned all other classes of wildlife. However, the number of seizures differed in the different classes and countries. In the Netherlands, for example, flower seizures were the most important category while in Germany reptile seizures dominated even more than in other countries. The following graph provides the results for all 22 countries from the TWIX dataset.

Figure 3: Distribution of seizures by class 2007-2014 (EU-TWIX)



The different countries also report very different species that are seized more often. For small countries the statistics are difficult to interpret but for countries with a higher number of seizures, interesting trends appear. In many European countries pet reptiles are the most common seizures and elephant tusks are also very common. Additionally in Eastern European countries, the brown bear (presumably from Russia) appears regularly. The following table summarises the top three species for each of the 22 countries for which EU TWIX data was available.

Table 4: The three most frequently seized species 2007-2014 (EU-TWIX)

Member State	Species English	Species Latin	Number of seizures
Germany	Kuth (Saussurea costus)	Saussurea costus	316
	Indian cobra	Naja naja	265
	African bush elephant	Loxodonta africana	231
Netherlands	American ginseng	Panax quinquefolius	547
	Kuth (Saussurea costus)	Saussurea costus	489
	Caryocar costaricense	Caryocar costaricense	98
France	African bush elephant	Loxodonta africana	216
	Shortnose sturgeon	Acipenser brevirostrum	71
	Spur-thighed tortoise	Testudo graeca	38
Spain	Spur-thighed tortoise	Testudo graeca	397
	African bush elephant	Loxodonta africana	24
	Barbary macaque	Macaca sylvanus	23
Belgium	African bush elephant	Loxodonta africana	201
	Kuth (Saussurea costus)	Saussurea costus	26
	Red stinkwood	Prunus africana	22
Denmark	Narwhal	Monodon monoceros	168
	succulent plant	Hoodia gordonii	75

	Reticulated python	<i>Python reticulatus</i>	29
Austria	Red stinkwood	<i>Prunus africana</i>	77
	Indian cobra	<i>Naja naja</i>	33
	American ginseng	<i>Panax quinquefolius</i>	16
Poland	stony corals (<i>Favia fava</i>)	<i>Favia fava</i>	10
	Siberian sturgeon	<i>Acipenser baerii</i>	10
	Hood coral	<i>Stylophora pistillata</i>	9
Portugal	African bush elephant	<i>Loxodonta africana</i>	132
	Argentine Boa Constrictor	<i>Boa constrictor occidentalis</i>	31
	Geometric tortoise	<i>Psammobates geometricus</i>	21
Sweden	Kuth (<i>Saussurea costus</i>)	<i>Saussurea costus</i>	15
	Tawny owl	<i>Strix aluco</i>	9
	Northern goshawk	<i>Accipiter gentilis</i>	8
	Siamese crocodile	<i>Crocodylus siamensis</i>	8
Czech Republic	Queen conch	<i>Strombus gigas</i>	6
	African bush elephant	<i>Loxodonta africana</i>	6
	Siamese crocodile	<i>Crocodylus siamensis</i>	5
Ireland	succulent plant (<i>Hoodia gordonii</i>)	<i>Hoodia gordonii</i>	14
	<i>Aloe ferox</i>	<i>Aloe ferox</i>	5
	Queen conch	<i>Strombus gigas</i>	3
	White rhinoceros	<i>Ceratotherium simum</i>	3
Latvia	Checkered keelback	<i>Xenochrophis piscator</i>	43
	Brown bear	<i>Ursus arctos</i>	9

	Reticulated python	Python reticulatus	7
Slovakia	White rhinoceros	Ceratotherium simum simum	8
	European wildcat	Felis silvestris	6
	Red-eared slider	Trachemys scripta elegans	3
	Brown bear	Ursus arctos	3
	Eurasian lynx	Lynx lynx	3
Slovenia	Checkered keelback	Xenochrophis piscator	14
	Date shell	Lithophaga lithophaga	13
	European sturgeon	Huso huso	10
Malta	American alligator	Alligator mississippiensis	4
Estonia	Brown bear	Ursus arctos	14
	European medicinal leech	Hirudo medicinalis	6
Bulgaria	African grey parrot	Psittacus erithacus	3

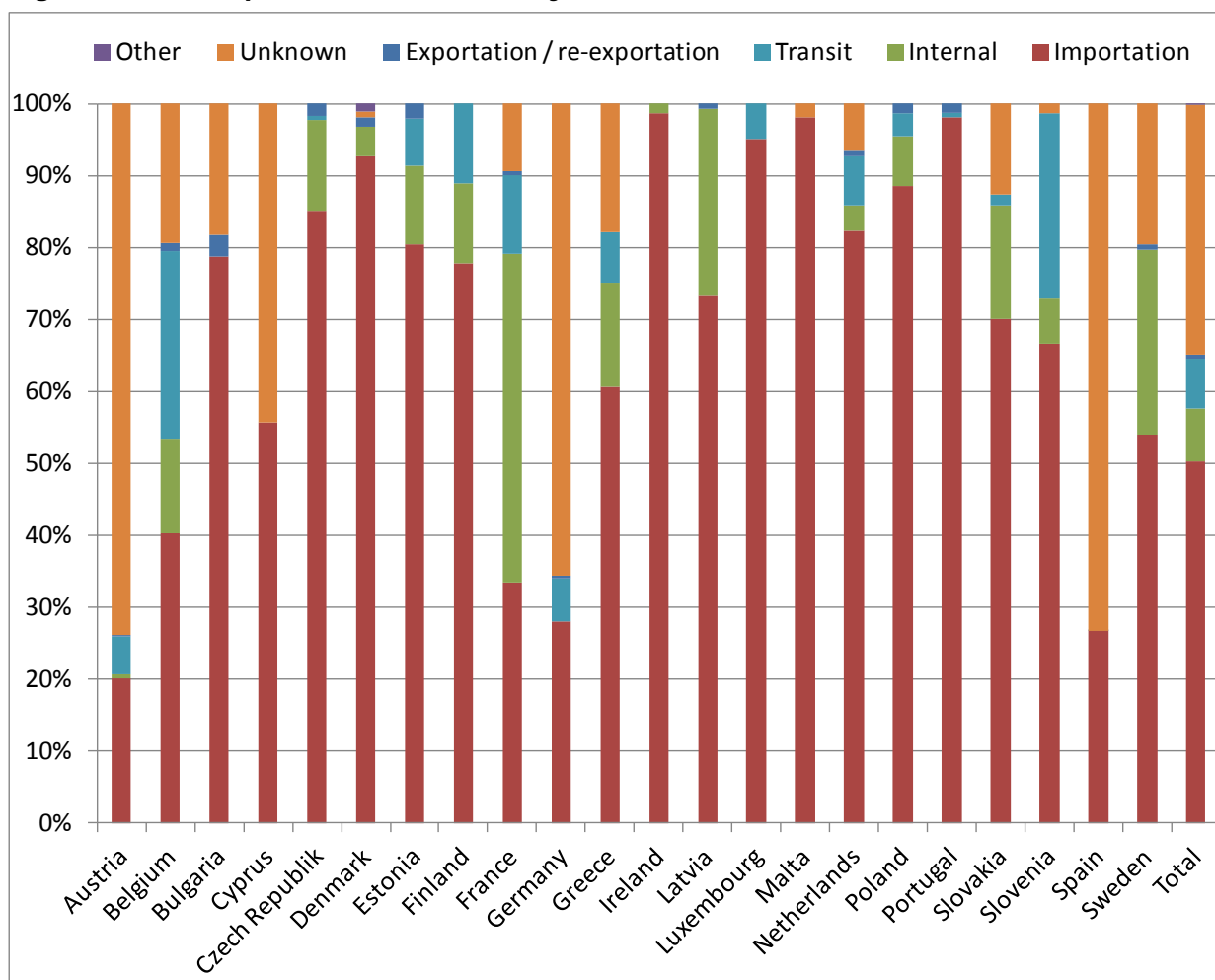
The import of live reptiles via the new member states is an older trend which is already visible before 2007. Back then, an increasing number of live parrots and reptiles were seized in the newer EU Member States. For example, between 2000 and 2002, 248 parrots were seized in the Czech Republic and 172 in Slovakia. Among them were several EU Annex A and CITES Appendix I-listed species, such as the rare Cuban Amazon *Amazona leucocephala*, which has a low price in Cuba but is highly valued and often frequently illegally traded in the EU. Tortoises are frequently found in illegal trade into the EU: between 2000 and 2001 on the Polish-Ukrainian border, Polish authorities seized over 2 200 Horsfield's Tortoises *Testudo horsfieldii*. This is particularly significant because although Horsfield's tortoises are listed in CITES Appendix II and EU Annex B, trade is banned in specimens which originate from the wild. In the 1990s, more specimens of Egyptian Tortoise *Testudo kleinmanni* were seized in illegal trade than are estimated to survive in the wild today. The Egyptian Tortoise is listed in CITES Appendix I and EU Annex A, and is classified as Critically Endangered on the IUCN 2003 Red List. From 2002–2006, almost 1 000 Egyptian Tortoises were seized in trade to the EU, representing around 13 % of the total population in the wild (Engler and Parry-Jones 2007).

Trade routes

The EU-TWIX database also provides some information on the trade routes and the location of seizures. About half of the seizures are reported as importation while one sixth are reported as either "transit" or "re-exportation". One third of seizures are reported as

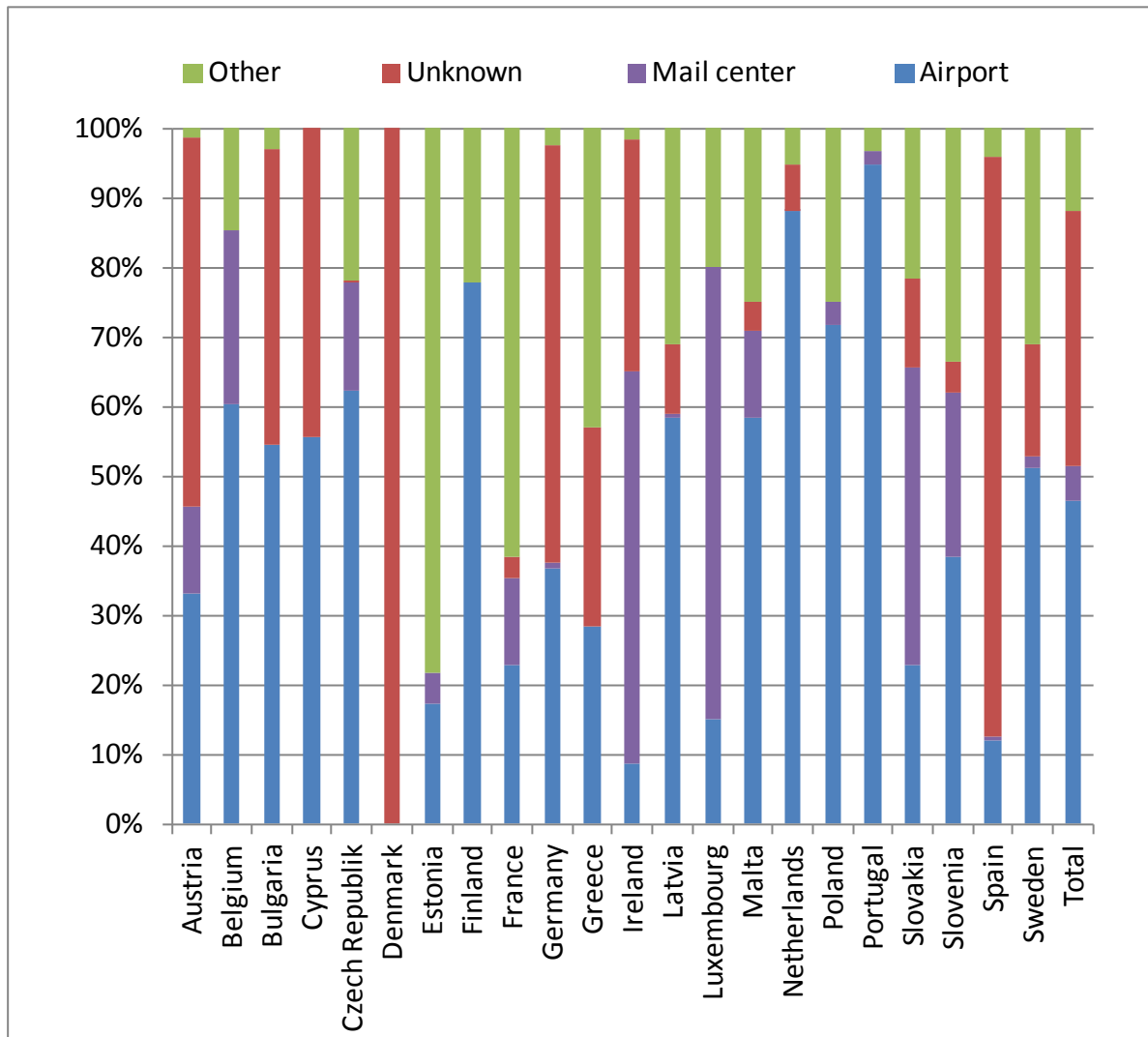
“unknown”. The number of unknown seizures is especially high in Germany, Spain and Austria. It is worth noting that in many cases the seizing authorities do not know whether the seizure was intended for further exported or whether it was intended for the country in which it is seized. It is likely that the trade is not conducted in one step but in several steps to avoid uncovering the full trading network and to limit the risk of detection. The following graph shows the number of seizures by destination in the Member States from 2007-2014.

Figure 4: Proportion of seizures by direction 2007-2014 (EU-TWIX)

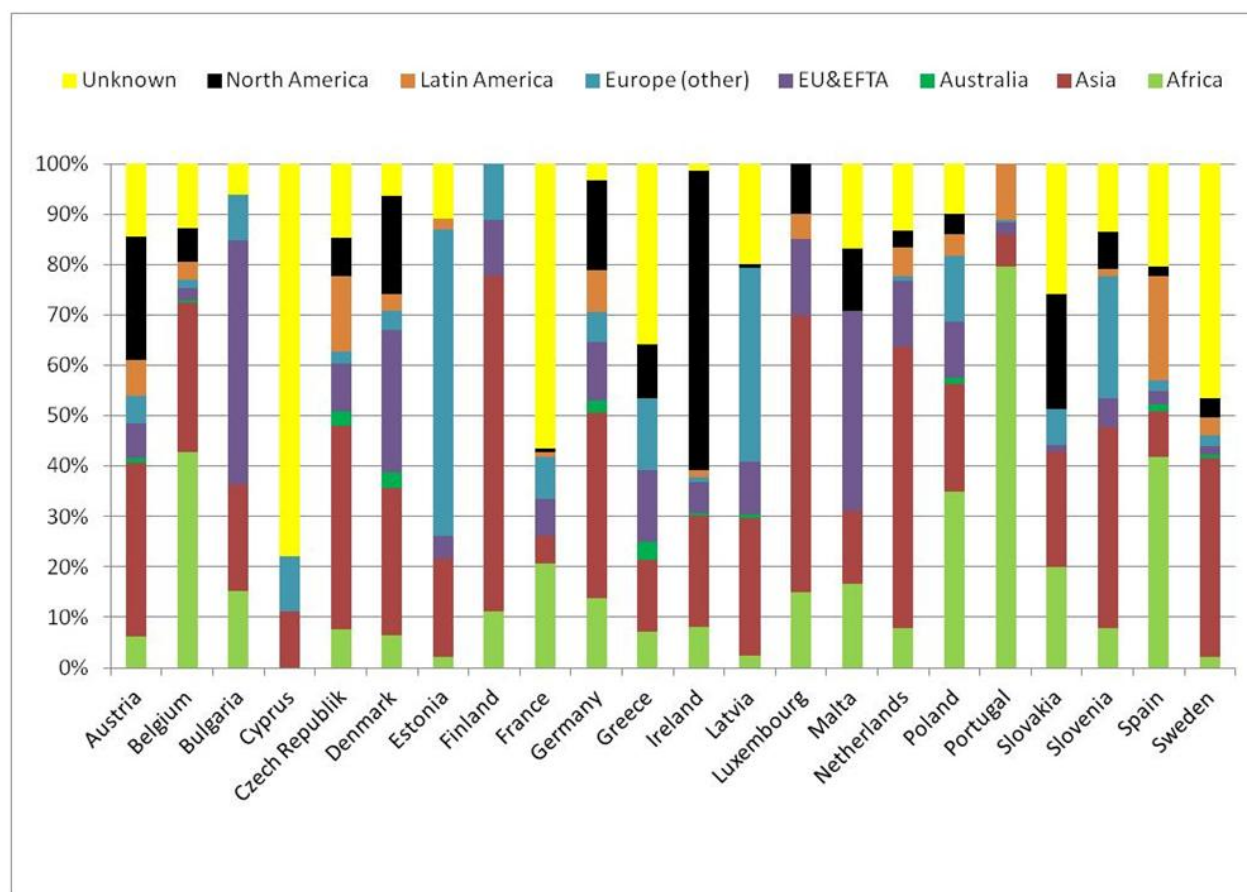


Most seizures are conducted at airports (nearly 50 %) while mail centers (5 %) are also important points where seizures are conducted. Unfortunately many seizures (33 %) are reported without a recorded point of seizure which makes their interpretation more difficult. In some countries the country profiles showed that the importance of mail delivery in trade is growing but the statistics of seizures in EU-TWIX does not reflect this trend yet.

Figure 5: Proportion of seizures by location 2007-2014 (EU-TWIX)



The EU-TWIX database also summarises some information on trade routes but unfortunately in more than 95 % of the cases that information does not show the destination. However, more information is available on the origin of the seized wildlife (see Figure 5). Overall, in the 22 countries nearly a third of the seized wildlife is coming from Asian countries while more than 15 % are sent from Africa and another 15 % do not have a description of origin. But the sources are not equally important in all Member States. Latin America is far more important as a source in Spain and the Czech Republic than in Germany. Asia is a much more important source of seizures in the Netherlands than in other countries. The following graph shows the distribution of seizures by origin.

Figure 6: Country of origin of seized wildlife 2007-2014 (EU-TWIX)

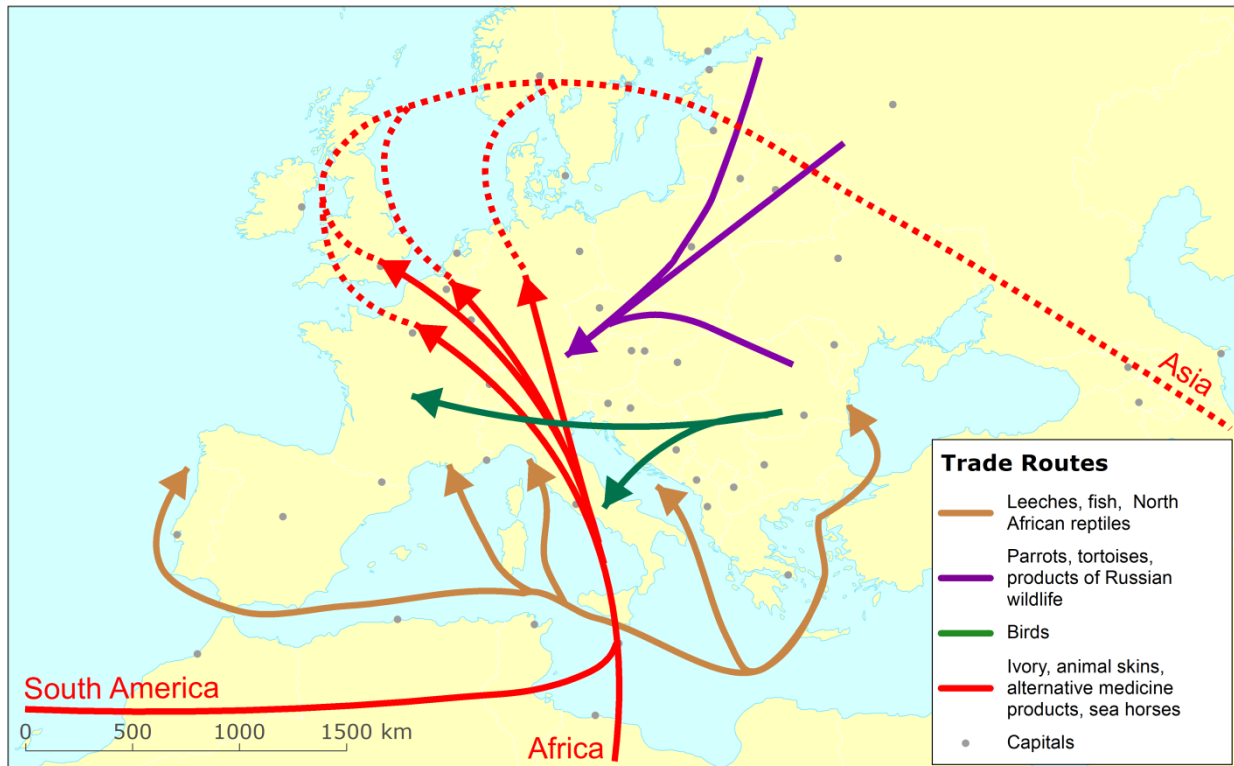
The assessment of the country profiles and EU-TWIX database showed a wide range of trade routes, but the following ones seem to be the most important:

1. **Africa to major trade hubs:** For several major airports (e.g. Zaventem-Belgium, Paris Charles de Gaulle, Frankfurt a. M.) and major ports (e.g. Antwerp) African wildlife or products from that wildlife (e.g. ivory, animal skins but also alternative medicine products and sea horses) are imported into the EU. A new location for that trade route seems to have emerged in the Czech Republic as discussed in Chapter 3. In the majority of cases the EU Member States serve in this trade as transit countries, as the products and specimens are re-exported to Asian countries like China, Korea and Vietnam. Unfortunately this re-export is not visible in the EU-TWIX data.
2. **Coastal smuggling:** On the other hand a lot of other wildlife trade uses coastal shipping to import illegal wildlife into the EU. The trade is relevant in Spain, Portugal, Italy and Greece but also in the EU countries with a Black Sea coast (Bulgaria and Romania). The most important trading goods on these trade routes are leeches, fish and caviar and also North African reptiles. Compared to the ivory trade mentioned above, European demand is more important for this trade, especially for live animals as pets.
3. **Bird trade in South Eastern Europe:** One big example of trade with endangered birds within Europe seems to be hunting of endangered birds in South Eastern Europe (e.g. Bosnia and Romania) and trade of these birds to Italy or France.

4. **Eastern European land routes:** Even though the statistics are less reliable, several reports point out that the Eastern European land borders of the EU play an important part in the illegal import of parrots, tortoises and wildlife products of Russian wildlife (e.g. polar bears, brown bears and caviar).

These major trade routes are depicted in Figure 7.

Figure 7: Major trade routes of illegal wildlife trade in Europe⁷⁶



In 2012 China was the leading destination for commodities seized upon (re-)export from the EU/while in transit in the EU. The majority of these records involved elephant ivory, in particular seized by the German authorities (and, to a lesser extent, the UK authorities) while in transit between Africa (Burundi, Malawi, Niger, Nigeria, Tanzania, Uganda) and China. It is noted that, in 2012, Belgium also made a number of seizures of elephant ivory, particularly from transiting passengers en route between Africa (e.g. Cameroon, Gambia, Ivory Coast and Sierra Leone) and China: while these were not reported specifically by Belgium as significant in themselves, when taken together they represent a significant trend. China was also an important destination for dried seahorses *Hippocampus* spp. (App. II/Annex B), seized while in transit in the Netherlands (en route from Central and South America - Ecuador, Panama, Peru) and Belgium (en route from Guinea and Senegal) (TRAFFIC 2013).

4.2. The role of the EU in global wildlife trade

Linked to those trade routes the EU Member States have a major role in the global wildlife trade both as importing countries and as transit countries mostly to Asian countries.

Imports: For some products the European market seems to mostly be the final destination. This is true for some species imported as food (e.g. caviar) and for the pet trade (e.g. parrots, tortoises or reptiles) and also for products of traditional Chinese

⁷⁶ Ecologic Institute: Stylised map based on Twix data and country reports.

medicine. This trade is mostly conducted through coastal smuggling or via the land borders in Eastern and South-Eastern Europe. For wildlife and wildlife products from Africa, Europe is also a country of final destination but its importance as an import country has been declining.

Transit: On the other hand the EU Member States are transit countries for wildlife and wildlife products from Africa and South America. Most of this trade is conducted using large European trading centers (Large airports and ports). The countries most important as trading routes seem to be France, Belgium, the Netherlands, Spain, Italy, Germany and the UK. The traders specialise in ivory and other parts of large African wildlife (rhino horns, skins of lions and other large animals). Another important market is also the market for alternative medicinal products (eg. traditional Chinese medicine), made partly or fully from endangered species both in Africa and Southern America.

On the other hand the EU does not seem to be a major exporter of illegal wildlife products, although there are some reports on stolen ebony and rhino horns from museums exported to Asia and the above mentioned trade of endangered birds from South Eastern Europe to Western Europe.

But both as import countries and as transit countries the EU Member States therefore contribute significantly to wildlife crime in South-East Asia, Southern America and Africa and these wildlife crimes have significant impacts on biodiversity in those regions. On the other hand, as described in Chapter 3, the EU supports the fight against wildlife crime in Africa and South-Eastern Asia.

4.3. Organised criminal groups operating in illegal wildlife trade in the EU

As already indicated above⁷⁷ a link between wildlife trafficking and organized crime networks is frequently pointed out in the literature. Yet, as also discussed above, there is no uniform definition of organised crime and organised environmental crime defies the limits of a traditional definition of organised crime or a mafia-like type of crime.

The empirical research conducted for this study does not necessarily confirm that organised crime (however defined) is a major issue in relation to wildlife crime within the EU, at least not within all Member States. In response to the online questionnaire sent to the Member States' authorities, only two out of eight answers received said that wildlife crime was linked to organised groups. The species and products linked to organised crime were reptiles, rare parrots, and other non-specified species.

With regard to the research done on various Member States, there is a quite diverse picture. In some Member States documents or interviews show that **organised crime has little or no relevance** in the respective Member State in the context of wildlife crime. For example, both German experts interviewed noted that money laundering and organised crime were not or only a minor problem in Germany⁷⁸. This reflects the broader picture in Germany where organised crime and also money laundering do not appear to be a significant problem more generally; at least there are no concrete cases known⁷⁹. The interviewee from the German Federal Criminal Police Office (BKA) indicated that although there were frequent speculations and indications of the involvement of organised crime in

⁷⁷ See section 3.1.2.

⁷⁸ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015; interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 5 November 2015.

⁷⁹ Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 5 November 2015.

wildlife crime cases, this was difficult to prove in a particular case⁸⁰. Similarly, according to the Dutch experts interviewed, there are no indications that organized crime is heavily involved in wildlife crime in the Netherlands⁸¹. Yet, there are some exceptions: Recently, a bird trader received a sentence of 15 months because of large scale trafficking and membership in a criminal organisation.⁸² Furthermore van Uhm (2012b) interviewed staff from the Dutch Crime Squad about the involvement of organized crime groups in wildlife trade. It appeared that criminal groups immediately filled the gap when legal imports of protected birds were banned due to avian influenza. Couriers repeatedly smuggled birds from Suriname through Spain into the Netherlands. More generally, criminal investigations show that crime networks smuggling animals, such as birds or reptiles to the Netherlands, use a *modus operandi* similar to drug traffickers. A common method is to hide the animals or products in concealed compartments in luggage or on the smuggler's body.

In other Member States, the **links between organized crime and wildlife crime appear to be stronger**, as in Poland (see Box 5).

Box 5: Organised crime and wildlife crime

In Poland, publicly accessible written evidence as well as the interviews with the CITES Management Authority, Scientific Authority and Customs Service officers did not provide detailed evidence of connections between wildlife crime and organised crime. Nonetheless, all the consulted sources make unambiguous links between the two types of crimes, with a strong association of illegal trade in traditional Asian medicine (TAM) and organised criminality (Drzazga, 2015). On top of that, many instances of wildlife crime are conducted by organised entities running legal businesses. For example, retailers of alternative products offer TAM through internet sales. There is also an alleged practice of wholesalers distributing protected medicinal plants to retailers operating in local markets⁸³. Moreover, massive imports of para-medicinal produce containing *Hippocampus Coronatus*, i.e. a sea horse species, destined for sales on the Polish market also result from organised activity. In 2008, the scale of the attempted import of pills containing *Hippocampus spp.* was so big that it is believed to have led to the extinction of the entire population of one of *hippocampus* species from Indonesia⁸⁴.

Pills containing *Hippocampus spp.*, as well as medicinal leeches are imported to Poland through its Eastern borders with Ukraine and Belarus. Companies trading such para-medicinal products are often registered entities, attempting to prove the legality of their activities using fraudulent documents regarding the ingredients of their products and export permits. They could therefore fall under the category of organised crime understood as a crime committed by groups engaged in planned and sustained criminal activities. Legal categorization of wildlife crime in such cases in Poland is uncertain, however, and depends on public prosecution. No information about legal actions in this regard could be

⁸⁰ Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 5 November 2015.

⁸¹ Interview with Bart Langeveld, responsible for CITES confiscations, Dutch CITES Management Authority (Ministry of Economic Affairs, Netherlands Enterprise Agency), 4 November 2015; interview with Jaap Reijngoud, independent consultant, specialized in wildlife crime enforcement, 9 November 2015.

⁸² Rechtbank Midden-Nederland, 16/99701812, 4246, 11 June 2015.

⁸³ Interview with Andrzej Kepel, chair of the State Council for Nature Conservation (CITES Scientific Authority of Poland), chair of PTOP "Salamandra", 5 November 2015.

⁸⁴ Interview with Rafał Tusiński, Polish Ministry of Finance – Polish Customs Service, 2 November 2015.

collected.

Apart from TAM and medicinal leeches, potential hotspots of organised wildlife crime are likely to involve the most highly valued species and their derivatives such as rhino horns and ivory⁸⁵.

In Spain, experts interviewed also consider that wildlife crime is sometimes committed in an organised manner, though without some of the traditional elements of organized crime⁸⁶. So, a “normal” wildlife crime may involve a long string of actors: poachers, smugglers, forgers and corrupt law enforcement agents. However they point out that violence and other elements of organised crime are found only in transnational environmental crimes and, in particular, in the countries of origin in Latin America and, especially, in African countries. The experts also observe that criminal groups are more and more attracted to wildlife crime due to the low risk of detection and high profit. In Czech Republic in 2013, authorities seized in 24 white rhinoceros horns en route to Vietnam from South Africa – at the time the largest seizure of rhinoceros horn in the EU. The horns were smuggled from South Africa by 16 people posing as trophy hunters, aided by a local South African wildlife crime gang. The authorities believed that the false trophy hunters had been recruited by members of the Czech Vietnamese community⁸⁷.

In the UK organised crime in relation to illegal wildlife trade is identified as being linked to rhino horn thefts and trade, to trade in raptors and bird eggs, and to the repeated sale of traditional medicine products (Sollund and Maher, 2015, p.24). In 2014, it was estimated that a kilogram of rhino horns would sell for around GBP 40 000 (WSPA 2014, p.11). Given the large amount of money involved in the illegal trade of wildlife, criminals also use these sources to fund other criminal activities, such as drug smuggling, money laundering and terrorism (WSPA 2014, p.11).

Within the UK, the National Wildlife Crime Unit (NWCU) collects intelligence on the involvement of organised crime groups (OCGs) in wildlife crime. Currently 18 OCGs are identified in the UK with the involvement of around 150 individuals mainly linked to poaching, raptor persecution and CITES related illegal wildlife trade⁸⁸.

However, when interpreting statements on organised crime, it is important to keep in mind that there is **no agreed definition** on what constitutes organised crime within the EU. Therefore, researchers and experts may have different concepts in mind when acknowledging the existence or non-existence of organised crime. The lack of an agreed legal definition also may create problems in enforcement. One example given by the German BKA was the case of the Rathkeale Rovers, an Irish criminal group that was involved in stealing rhino horn from museums across Europe (see Box 6). An investigation was initiated between 2011 and 2014 by the specialised organised crime unit of the Federal State of Baden-Württemberg, but the case was not prosecuted as an organised crime. It

⁸⁵ Interview with Rafał Tusiński, Polish Ministry of Finance – Polish Customs Service, 2 November 2015.

⁸⁶ Interview with Captain Salvador Ortega of the Spanish police force for the protection of nature, SEPRONA, 3 November 2015; interview with Mercedes Nuñez and Antonio Galilea of the Spanish CITES Management Authority, 30 October 2015.

⁸⁷ CITES Secretariat. 2013. “Interpretation and implementation of the Convention: Species trade and conservation Rhinoceroses”, CoP16 Doc. 54.2 (Rev. 1), <https://cites.org/eng/cop/16/doc/E-CoP16-54-02.pdf>.

⁸⁸ Interview with Martin Sims, Chief Inspector, Head of UK National Wildlife Crime Unit (NWCU), 30 October 2015.

was generally emphasised that specialised knowledge of structures and *modus operandi* is of vital importance in the area of organised crime⁸⁹.

⁸⁹ Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 5 November 2015.

Box 6: The Rathkeale Rovers and rhino horn trafficking

In 2010, an undercover agent at the US Fish and Wildlife Service received an email in which an Irish citizen claimed that he was searching for rhino horns to decorate his castle and ensured the undercover agent that he could easily get rhino horns from the US without being detected at customs. Within a few weeks the deal was made and the Irish citizens sent over two middle-men to collect the four rhino horns. As soon as the purchase was complete in Commerce City, Colorado the two men were arrested and sentenced to six months in prison. This was the first detected case of horn trafficking linked to the organised crime group in Ireland known as Rathkeale Rovers, members of Ireland's Travelling Community.

Soon after, in 2011, another man was sentenced to 14 months prison by a New York court for rhino trafficking⁹⁰. The criminal group was known to spend their time on the roads of Europe and do road-paving works; however, they were often associated with illegal activities, including money laundering, drug smuggling and theft. In 2011, Europol set up Operation Oakleaf to gather intelligence on the group. By the end of the summer of 2011 there had been around 20 attempts to steal rhino horns from museums and collections across Europe. As the crimes were continuing, the special operation started to collect intelligence; by 2013 many raids had taken place and various members of the group had been arrested⁹¹. Even though the trafficking of rhino horns by the criminal group seems to have slowed down since then, news have been recently released that an Irish citizen has to face court hearings in the US over his role in trafficking of rhino horns following his extradition from the UK⁹².

The internet increasingly facilitates wildlife crime; the role of social media in facilitating wildlife crime has also started to become significant. Offenders often post pictures about poaching and coursing on social media networks (NWCUC 2014).

4.4. Links of EU wildlife crime to money laundering and non-compliance with financial regulations

In the case of wildlife crime, Europol's IPEC report argues that 'it is recommended to follow the money and target the profits, given the mainly economic nature of environmental crimes, and to prioritise certain areas such as trade of endangered species, which have been indicated as the most attractive spheres of activity for OCGs'. Money laundering is so closely related with wildlife crime that this becomes a predicate offence.

The report also states that special law enforcement techniques are needed to arm regulators, investigators and prosecutors with the tools necessary to do their job: as in other areas of crime, offenders make extensive use of the internet and they are highly flexible and able to quickly move operations to other jurisdictions (EnviCrimeNet 2015, p. 22).

⁹⁰ The Irish Times. "After the Michael Flatley theft: Irish criminals' role in rhino horn trafficking", 8 February 2014, <http://www.irishtimes.com/news/world/us/after-the-michael-flatley-theft-irish-criminals-role-in-rhino-horn-trafficking-1.1683714>.

⁹¹ Bloomberg Business. "The Irish Clan Behind Europe's Rhino-Horn Theft Epidemic", 2 January 2014, <http://www.bloomberg.com/bw/articles/2014-01-02/the-irish-clan-behind-europes-rhino-horn-theft-epidemic#p4>

⁹² The Irish Times. "Irishman in US court over alleged rhino horn trafficking", 23 September 2015. <http://www.irishtimes.com/news/crime-and-law/irishman-in-us-court-over-alleged-rhino-horn-trafficking-1.2362883>.

Again, the online survey did not yield many insights on the topic as far as Member States are concerned. If anything at all, it seems to indicate that money laundering in relation to wildlife crime is **not a major issue** in Member States. Five out of six questionnaires said that money laundering is not connected with wildlife crime. Two out of eight recognized the existence of links between wildlife crime and economic crimes. Yet, overall the answers given to the questionnaire by the authorities of the Member States were so limited that no meaningful conclusions could be drawn from them.

Reasons for why money-laundering appears not to be considered an important issue in the context of wildlife crime in many Member States are not evident from the empirical information gathered in the present study. However, some potential reasons can be identified from the more general literature.

One of the potential factors is that Member States do not consider wildlife crime as a serious crime and hence as a possible predicate offence⁹³ of money-laundering. Differences also exist in the way the predicate offence and money laundering are prosecuted depending on where these crimes have occurred. Different reports show that EU Member States' investigations will only extend to both money laundering and the predicate crime if the predicate crime was committed inside the national territory of the Member State as shown in the cases of Portugal (Eurostat 2013, p. 61) or Luxembourg (FATF/OECD 2010). In general, the Wildlife and Forest Crime Analytical Toolkit compiled by the International Consortium on Combatting Wildlife Crime demonstrates that the attempts to "follow the money trail" by freezing and ultimately confiscating the proceeds of wildlife and forest crime have thus far only been undertaken *within* one country and not internationally (ICCWC 2012).

Research on money-laundering (Tillen & Billings 2015) shows important differences between national legislation and practices addressing the prosecution of predicate offences of money laundering. Some of them consider that the predicate offences of money laundering may be any crime, even if committed outside the national territory; however, in such cases prosecution for money laundering may not be pursued unless the predicate offences committed outside are punishable under the law of the country where the act occurred as well as under national law. The dual criminality principle⁹⁴ requires that wildlife trafficking be criminalized as the predicate offence of money laundering in all countries concerned. This may limit enforcement efforts in this regard.

For example, Saunders and Hein (2015, p. 28) argue that money-laundering enforcement possesses a number of characteristics that may limit its usefulness in tackling illegal logging and other environmental crimes. First of all, some money laundering legislation requires the existence of a 'parallel offence'; the offence from which the laundered money derives must exist also in the legislation of the country of enforcement. The proceeds of timber that is illegally logged in one country could therefore not be subject to investigation under a money laundering offence unless the prohibition that was breached in the producer country also exists in the jurisdiction where enforcement takes place.

Other challenges in applying money-laundering legislation are the relatively low level of experience of dealing with environmental crime on the part of money laundering enforcement agencies and the low priority given to the issue when compared with crime associated with immediate physical or social harm such as narcotics and prostitution.

⁹³ A predicate offence is a crime that is a component of another criminal offence. In the context of money-laundering, the predicate offence is the offence the proceeds of which may become the subject of money-laundering offences. That is if illegal income was gained from wildlife crime and the profit was subsequently laundered by being invested in legal businesses, wildlife crime would be a predicate offence.

⁹⁴ The dual criminality principle requires that the activity is considered a crime in all countries concerned, origin, destination and transit countries of wildlife crime as a predicate offence of money laundering.

Moreover, proving the link between the funds in question and the original criminal offence in another country is also likely to be challenging. Previous research also indicates that even though countries may consider any crime as a predicate offence, in practice, law enforcement agencies and Financial Intelligence Units will focus on a set of predicate offences that does not include wildlife crime (Tillen & Billings 2015).

Altogether, there is a very limited evidence base on the links between money laundering and wildlife crime within the EU. This does not mean that there are no such links; however, further efforts would be needed to better understand them.

4.5. Conclusions

The following core conclusions can be drawn from Chapter 4:

- The overall trend in wildlife crime measured in the number of seizures has been roughly constant in recent years. Seizures are concentrated in countries with large overall trading volumes like Germany, the Netherlands, Spain and France. Overall The UK, Germany and Netherlands are responsible for more than 70% of seizures in 2007-2014. The high number of seizures may also be attributable to well developed enforcement in these countries.
- About half of the seizures are carried out at airports (e. g. London Heathrow, Paris Charles de Gaulle, Frankfurt a. M. and Amsterdam Airport Schiphol). Mailing centres are expected to become more important in the coming years.
- Most of the products confiscated are reported as being destined for import although it is not clear whether parts of these imports are destined for re-selling to other countries.
- The most frequently seized species are reptiles, mammals, flowers and corals. In Germany the trade in reptiles is most important, while in the Netherlands flowers are more often seized.
- The EU is both a destination and a transit region for wildlife products. Although European countries seem to have become less important consumers in the well-known trade with African mammals, many countries still seem to have a very important role as a trading hub in exactly that trade. This trade is conducted via the major trade hubs (airports and ports) but the example of the Czech Republic shows that new trade routes are emerging.
- On the other hand European countries still seem to be very important consumers and importers of pets, especially of reptiles and birds. As this trade is very often not conducted via the main trade hubs, but via the Eastern European land borders and the Mediterranean and black sea, enforcement is even more challenging.
- The available information on trade routes is not very detailed, but the following four important trade routes could be identified:
 - Large mammals like elephants, rhinos and big cats from Africa and South America to major trade hubs and for further transit to Asia
 - Coastal smuggling of leeches, caviar and fish and for the pet trade in Europe, reptiles and parrots.
 - Endangered birds from South Eastern Europe to Southern Europe
 - Russian wildlife and Asian exports via Eastern European land routes

- The demand for alternative medicinal products very often produced in Asia on the basis of endangered wildlife appears to have increased in Europe. In this area two trade routes overlap as African wildlife is first traded to Asia via Europe and then back to Europe as alternative medicinal products.
- Data from the EU-TWIX data provides a good overview on the trade routes of goods but their usefulness for research and enforcement could be further enhanced by reorganising some parts of the data collection:
 - The data on trade routes do not include in most cases the final destination of the seized specimens. It is likely that in many cases this information is not available as it is not clear whether the specimens were meant to be sent on or had already reached their countries of destination.
 - The same limitation applies to the labelling of seizures in regard to their destination (transit, import or export). According to the records only a very small proportion of the seizures were for transit or re-exportation, most seizures are recorded as “imports” even though the final destination is not always the country of the seizures. The reason for this is the lack of knowledge of the seizing authorities about the intended final destination of the seized wildlife.
 - Even the indication of the location of the seizure (airports, ports, trade fairs etc.) is incomplete, which is an important limitation of any analysis of the EU-TWIX data.
- The empirical research conducted for this study shows a diverse picture as to the relevance of organised crime in the context of wildlife crime in the Member States. In various Member States there are no indications that organised crime was heavily involved in wildlife crime. In other Member States the links between organised crime and wildlife crime appear to be stronger. However, the evidence base on organised environmental crime is in general not very robust; so measures to improve it would be desirable.
- The empirical research conducted for this study has revealed very little information on money-laundering being a relevant factor in relation to wildlife crime in the Member States. In the literature there are only some references to money laundering in texts on illegal logging but no empirical studies on money laundering in relation to wildlife crime. This does not mean that there are no such links; however, further efforts would be needed to better understand them.

5. IMPLEMENTATION AND LAW ENFORCEMENT OF EU WILDLIFE REGULATIONS IN THE EU MEMBER STATES

KEY FINDINGS OF CHAPTER 5

- All Member States have legislation in place for implementing CITES and the EU wildlife regulations. Many Member States have legislation in place that goes beyond the requirements of CITES; most Member States provide for criminal and administrative penalties.
- The regulatory framework is with a few exceptions considered to be sufficient (albeit somewhat complex); problems are mainly seen with enforcement.
- There is little information available on the number of criminal proceedings and level of sanctions applied; the information available indicates that the level of fines is usually low and prison sentences are rarely used.
- Some of the obstacles to more effective enforcement are lack of sufficient resources and staff, low priority given to wildlife crime within the enforcement apparatus and lack of specialised enforcement bodies as well as courts

Generally speaking the quality of information publicly available in the different Member States on their enforcement and other activities to combat wildlife crime varies significantly. For example, some of the CITES reports are rather short and contain little data while others are more detailed and extensive. Notably, some countries report the number of administrative and criminal proceedings as well as inspections, while others do not. Some Member States have not submitted their biennial CITES reports consistently or at all. Similarly, some of the national crime statistics – where available in the languages we have covered for the purposes of this study (see above, section on methodology) – do not show wildlife-related crimes as a separate category, whereas others do.

This section is structured as follows: 5.1 contains a summary of insights on measures taken by Member States to combat wildlife crime, including on the applicable legal frameworks. 5.2 describes the penalty levels articulated on paper and those applied in practice. 5.3 describes the cooperation of different actors involved in enforcing wildlife-related legislation within Member States as well as the efforts of Member States at international cooperation. 5.4 compiles the information that Member States provide on the effectiveness of their regulatory framework on wildlife crime and the factors that limit their enforcement efforts.

As a reminder, the methodology underlying this chapter was the following: in a first step, country profiles were compiled for 25 Member States (excluding Cyprus, Malta and Luxemburg) on the basis of a review of a defined number of sources for each country, notably the Biennial CITES reports and national crime statistics. In a second step, more in-depth country studies were conducted for Germany, the Netherlands, Poland, Spain and the UK, with these countries having been selected for their relevance in relation to wildlife crime as well as efforts to combat it. Moreover, an online survey was conducted among relevant authorities in 26 Member States (excluding Cyprus and Malta); however, the response rate was low. The following therefore is a broad overview of the situation in Member States with more in-depth insights on some countries which were chosen for the reasons just explained. We do not purport to present details on wildlife crime related measures and efforts in each Member State.

5.1. Measures to address wildlife crime

All 25 Member States reviewed have some kind of legal framework in place that defines what constitutes legal and illegal trade in wildlife and transposes the EU legislation into national law. The majority of country profiles report that the national legislative framework consists of **both criminal and administrative law** provisions; the only identifiable exception being Poland where *all* illegal activities related to CITES are categorized as criminal offences. For the remainder of Member States, there is no indication in the country profiles on the nature of the legislation.

The majority of Member States appear to have legislation in place that goes beyond the EU's CITES regulation; according to the sources reviewed some exceptions include Austria and Sweden, which do not have measures going beyond the EU regulation.

Legal rules vary quite significantly between Member States; however, some ways in which legislation extends **beyond EU legislation** include:

- Documentation requirements, e.g. traders are required to keep records of acquisition of sales in order to retain documentation proving legal acquisition/importation into the EU
- Identification and marking requirements for species, i.e. certain species are required to be marked by micro-chips
- Total ban on possessing or trading certain species
- Prior authorization requirements for keeping or trading certain species
- Registration requirement for breeding and keeping CITES-listed species
- Prohibition to kill or capture certain species within the country
- Notification requirements in relation to keeping certain species
- Prior authorization requirements for breeding certain species

In most Member States, the links between organised crime and wildlife crime are considered as aggravating circumstances, but in practice they are not acknowledged in prosecutions and final judgments due to the difficulties in providing evidence and establishing proof. The commitment or political will to fight organised crime in Member States is also uneven, and based heavily on the specific experience of the Member State. For instance, Croatia has established an office for the suppression of corruption and organised crime with a wide mandate that however does not target environmental crime⁹⁵.

Addressing demand is, according to the Dutch experts interviewed, a particularly challenging task⁹⁶. There are several reasons that the experts have identified. First, due to increased prosperity in South-East Asia especially the demand for wild pets and wildlife products including for traditional Chinese medicine is expected to increase at an enormous scale. Second, keeping reptiles and birds as pets is accepted by major parts of the population. Lovers of wild animals who keep them as pets and/or breed them are often convinced that their hobby is born out of a deeply felt love for nature. Many of them play down the serious side-effects and argue that they positively contribute to the species

⁹⁵ See Law on the office for the suppression of corruption and organised crime of the Republic of Croatia, 2004.

⁹⁶ Interview with Daan van Uhm, wildlife crime researcher at Utrecht University, 28 October 2015; interview with Bart Langeveld, responsible for CITES confiscations, Dutch CITES Management Authority (Ministry of Economic Affairs, Netherlands Enterprise Agency), 4 November 2015; interview with Jaap Reijngoud, independent consultant, specialized in wildlife crime enforcement, 9 November 2015.

conservation. Third, wildlife trade is linked with greed⁹⁷. People especially want to have species that are difficult to get. Fourth, breeders always search for fresh breeding material. Fifth, the wider public is mostly not aware of committing a criminal offense when importing certain wild species of flora or fauna.

However, there are some activities aimed at addressing demand in some Member States, with the UK for example having established a CITES Sustainable Users Group for the private sector and the 'Illegal Wildlife Trade Challenge Fund'⁹⁸, which has already supported a number of demand-side projects in Africa/Asia. Germany is also quite active regarding activities for demand reduction in specific areas, especially reptiles. Examples include websites for tourists, collaboration with providers of internet platforms, assistance of trade fairs and awareness raising. However, the demand for iconic species is low, not requiring any demand-side measures in the view of the competent authorities⁹⁹. In the Netherlands, efforts are undertaken in the area of awareness-raising. For example, information is disseminated at markets and fairs of birds and reptile markets. Moreover, since February 2015, the Netherlands has a positive list of mammals that could be kept as pets and similar lists are to be developed for reptiles and birds. In Poland, awareness on wildlife crime is promoted in seminars organised in schools at different grade levels, as well as by glass displays in airports, border posts and other public places. Wildlife protection experts from PTOPIK Salamandra, a NGO working on wildlife issues, published a textbook on CITES implementation, updated regularly and distributed among public authorities in charge of wildlife protection free of charge. Moreover, currently the same NGO prepares a series of films 'Map of a Dying World' [pl. 'Mapa Ginącego Świata'] employing a popular TV presenter to raise wildlife crime awareness among the general public in Poland. It also announced a launch of a free of charge mobile phone application 'Conscious traveller' in 2016.

Generally, NGOs play an important role in such awareness-raising activities in many Member States.

5.2. Penalty levels for wildlife trafficking and related offences

Concerning **penalty levels**, distinctions need to be made between **criminal and administrative sanctions** on the one hand and between **sanctions on paper and sanctions as applied in practice**. The information available for 2007-2014 in the sources reviewed is compiled in the following table, with the level of administrative sanctions on paper not being within the purview of this study.

It should also be noted that the maximum levels of criminal sanctions indicated may refer to quite different offences within the respective legal order. Within the scope of the present study it was not possible to analyse the legal differences between these norms. The maximum sanctions are thus provided to give a very rough indication of how Member States treat wildlife trafficking and related offences, but are not necessarily comparable.

When a two year period is indicated (e.g. 2013/2014), the period covered is the one of the respective CITES report.

⁹⁷ Likely, collectors are also motivated by a genuine affection for whatever they collect as well as the status among their peers that they gain from a good collection.

⁹⁸ For more information, see <http://www.gov.uk/government/collections/illegal-wildlife-trade-iwt-challenge-fund>

⁹⁹ Interview with Franz Böhmer, BfN, German CITES Management Authority, 28 October 2015.

Table 5: Overview table on administrative and criminal sanctions

(o) = information not systematically gathered as outside scope of this study

(-) = information not available from sources reviewed

		Administrative sanctions ¹⁰⁰	Criminal sanctions ¹⁰¹
Austria	On paper	(o)	(-)
	Applied	Sanction imposed by customs in period covered by 2013/2014 CITES report : Live specimens: EUR 100 (Iguana), EUR 40 - EUR 50 (cacti) and EUR 200 (tortoise) – all Appendix II/Annex B. Dead specimens: range EUR 20 – 600 ¹⁰²	No information available on sanctions imposed by courts.
Belgium	On paper	(o)	Prison sentence of five years and fines of EUR 300 000
	Applied	(-)	Four defendants guilty of forging breeders declarations and CITES certificates for over 20 species of birds, mainly birds of prey originating from France and Spain sentenced to 4 years (1 year suspended), 2 years (1 year suspended), 18 months (suspended) and 1 year (suspended) and fines of EUR 90 000, 30 000 and 12 000 and EUR 835 800 of illegal gains of the trade (including real estate) confiscated ¹⁰³ .
Bulgaria	On paper	(o)	Up to 5 years and a fine of BGN 5 000 to 20 000 (EUR 2 556 – 10 225) and compensation for the damage

¹⁰⁰ Where the information whether a sanction was administrative or criminal in nature was not evident from the sources reviewed, a guess was made concerning the most likely legal character of the sanction.

¹⁰¹ The focus is on prison sentences and fines; other types of sanctions have only been covered in an unsystematic way (e.g. community service, forfeiture etc.).

¹⁰² CITES Austria Biennial Report 2013/2014, p. 7.

¹⁰³ CITES Belgium Biennial Report 2013/2014, p. 5.

	Applied	<p>No specific information available for 2011 – 2014.</p> <p>2009/2010: two administrative measures imposed for CITES-related violations: fine of approx. EUR 35 873 for the illegal import of 108 grey parrots (without CITES import permits) and fine of approx. EUR 332 for keeping of two unregistered specimens of green iguana and grey parrot (offered for sale on the internet)¹⁰⁴</p> <p>2008 CITES report: Penalty for illegally imported and traded parrots and monkeys¹⁰⁵</p>	Only one criminal procedure reported in 2009/2010 CITES report, but outcome unclear
Croatia	On paper	(o)	(-)
	Applied	<p>2013/2014: two minor fines reported</p> <p>2012¹⁰⁶: HRK 58 300 (ca. EUR 7 600)</p> <p>2011¹⁰⁷: HRK 201 900 (ca. EUR 26 500)</p>	No criminal prosecutions in 2013-2014 ¹⁰⁸ , incomplete information available for earlier years
Czech Republic	On paper	(o)	Fines up to CZK 1 500 000 (ca. EUR 55 000) and/or imprisonment for up to eight years
	Applied	<p>2013/2014: 281 issued penalties for a combined value of CZK 952 000/ EUR 34 568)¹⁰⁹</p> <p>2011/2012: 227 penalties (totalling CZK 857 900/ EUR 34 111) and 137 confiscation cases¹¹⁰</p> <p>2007/2008: 265 issued</p>	<p>2014:¹¹²</p> <ul style="list-style-type: none"> • one person sentenced to one year in prison on three years' probation for illegally exporting 18 elephant tusks (<i>Loxodonta africana</i>) to Vietnam; • one person sentenced to six months imprisonment on 18 months probation for the illegal export of

¹⁰⁴ CITES Bulgaria Biennial Report 2009/2010, p. 21.

¹⁰⁵ CITES Bulgaria Biennial Report 2007/2008, p 3.

¹⁰⁶ Compilation of data taken from CITES Croatia Biennial Report 2011/2012.

¹⁰⁷ Compilation of data taken from CITES Croatia Biennial Report 2011/2012.

¹⁰⁸ CITES Croatia Biennial Report 2013/2014, pp. 56 and 60.

¹⁰⁹ CITES Czech Republic Biennial Report 2013/2014, p. 18.

¹¹⁰ CITES Czech Republic Biennial Report 2011/2012, p. 18

		penalties for a collective value of CZK 1 034 150 (or EUR 41 449) ¹¹¹	23.75 kg of ivory to South Korea
Denmark	On paper	(o)	(-)
	Applied	(-)	<p>2013/2014¹¹³:</p> <p>In eleven cases offenders were fined in the range of 1 000 to DKK 10 000 (approx. EUR 125 to 1 250); cases related to the imports of trade in Nile crocodile from Sudan, a skull and skin of a cheetah from Namibia, and a skin of a leopard from Zimbabwe. Fines for shipments of ivory carvings from unknown countries were the highest.</p> <p>Case regarding illegal trade in parrots from 2009-2011; brought to court in 2014. Outcome: fine DKK 650 000 (approx. EUR 80 000 and confiscation of 11 eggs, 31 parrots and a profit of DKK 213 000 (approx. EUR 25 000)</p>
Estonia	On paper	(o)	(-)
	Applied	Maximum sanction reporting period over was EUR 1 500 ¹¹⁴	No criminal proceedings
Finland	On paper	(o)	(-)
	Applied	(-)	One year in prison and compensation of EUR 250 000 in one case in 2014 involving illegal collection and trade of ca 9 500 bird eggs and ca 300 birds (for taxidermy purposes)

¹¹² CITES Czech Republic Biennial Report 2013/2014, p. 38.

¹¹¹ CITES Czech Republic Biennial Report 2007/2008, p. 18.

¹¹³ CITES Denmark Biennial Report 2013/2014, p. 18 and pp. 23-29.

¹¹⁴ CITES Estonia Biennial Report 2013/2014, p. 18.

France	On paper	(-)	<p>Customs Code (Code de douane): ¹¹⁵</p> <p>imprisonment for up to three years</p> <p>max. fine comprising between once or twice the value of the subject of the illegal importation, and confiscation of the item, the means of transport and the item used to mask the fraud.</p> <p>If offence committed by organized groups, imprisonment up to ten years, and fine can reach the fifth of the value of the subject of the illegal importation.</p> <p>Environmental Code (Code de l'environnement): imprisonment for up to one year, a fine up to EUR 15 000, and seizure of the item, the instruments and means of transport used to commit the offence.</p> <p>If offence is committed by organized groups, imprisonment is up to seven years, and a fine can reach EUR 150 000</p>
	Applied	2011-2012: 1 759 offences of which 1662 settled by customs fines of overall EUR 812 507 ¹¹⁶	<p>Recidivist poacher seized with 97 hearts of palm was condemned to one and a half years of imprisonment, with an adjustment of the sentence¹¹⁷.</p> <p>In case of illegal keeping of wild animals (2 wild cats, 3 raccoons, and about 20 wild pigs), offender was sentenced to six months of imprisonment and a EUR 2 000 fine, largely due to his violent and threatening behavior during seizure¹¹⁸.</p>
Germany	On paper	(o)	Up to five years in prison or fine

¹¹⁵ For the following, see CITES France Biennial Report 2011/2012, p. 17; 2013/2014, p. 16. An overview is provided by Crook, V. (2014), Analysis of EU Member States CITES Biennial Reports 2011-2012, p. 72.

¹¹⁶ CITES France Biennial Report 2011/2012, p. 14.

¹¹⁷ ONCF RAPPORT D'ACTIVITE 2014, p. 15.

¹¹⁸ ONCF RAPPORT D'ACTIVITE 2014, p. 17.

			for certain wildlife crimes
	Applied	<p>Annual revenues from fines of the Federal Agency for Nature Conservation (Bfn)¹¹⁹ between EUR 50 000 and EUR 100 000 on average¹²⁰.</p> <p>In 2009/2010: two companies fined EUR 305 000 and EUR 120 000 respectively for unlawfully importing and trading Ramin brushes since 2006; fines were higher than maximum fine set out by law due to the "absorption of the economic benefit" gained by infringements, which allows the maximum fine to be exceeded.¹²¹</p>	<p>Total amounts of fines in criminal proceedings by Länder¹²²:</p> <p>2013/2014: EUR 21 650 2011-2012: EUR 15 742 2009-2010: EUR 57 420 2007-2008: EUR 18 550</p> <p>Unspecified prison sentences in some cases; maximum sentence of 5 years has never been used¹²³</p>
Greece	On paper	(o)	<p>Law 4042/2012 (implementing Directive 2008/99/EC)¹²⁴: min: EUR 3 000, max EUR 150 000 – 300 000, penalties of at least 1 year (intent) or up to 1 year (negligence)</p> <p>Law 2637/1998 and Legislative Decree 86/1969, Article 288a: min: EUR 1 500, max EUR 30 000</p>
	Applied	Fines were imposed on private owners and pet shop owners, for example, a case of illegal possession and display of one Barbary Macaque (<i>Macaca sylvanus</i>)	(-)

¹¹⁹ The BfN is responsible to pursue cases under administrative penal law concerning wildlife products seized by the customs with a lower protection status than Annex A, Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

¹²⁰ As reported in the section on administrative offence procedures in the „Details on Violations and Court Actions“ in attachment 5 of every reviewed CITES Report.

¹²¹ CITES Germany Biennial Report 2009/2010, p. 50.

¹²² CITES Germany Biennial Report 2007/2008, p. 38; 2009/2010, p. 40; 2011/2012, p. 36; 2013/2014, p. 32.

¹²³ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

¹²⁴ CITES Greece Biennial Report 2013/2014, p. 20.

		kept in poor conditions was sanctioned with an administrative fine of EUR 600 ¹²⁵ . No further information available	
Hungary	On paper	Nature protection fines between minimum HUF 10 000 (ca. EUR 32) and maximum HUF 100 000 (ca. EUR 320), "depending on the severity and repetition of the offence on anyone not meeting or not properly meeting his/her obligations covered by the Convention, the Council Regulation, the Commission Regulation and the national CITES regulation in respect of a specimen of a species not nationally protected" ¹²⁶	(-)
	Applied	(-)	(-)
Ireland	On paper	(o)	Fine of up to EUR 100 000 and/or up to two years imprisonment
	Applied	(-)	2011-2012: Fine of EUR 1 250 in one case involving import of snakeskin handbags; fines of EUR 500 with three months in default in case importing eight rhino horns via Portugal ¹²⁷
Italy	On paper	(o)	(-)
	Applied	Some administrative measures appear to have been taken, but no details on sanctions available	(-)
Latvia	On paper	Latvian Administrative Violation Code: For internal	Prison sentence of max. two years, or community service, or a

¹²⁵ This example is mentioned in Crook, V., Analysis of EU Member State CITES Biennial Reports 2011-2012. Report prepared by Traffic for the European Commission, 2014, p. 12. It mentions that the case was awaiting the court's decision.

¹²⁶ CITES Hungary Biennial Report 2007/2008, p. 9.

¹²⁷ CITES Ireland Biennial Report 2011/2012, p.4

		<p>regulation-related violations, fines for natural persons range from LVL 50 up to LVL 500 (ca. EUR 410), with confiscation of the illegally obtained specimens; for legal persons from LVL 100 up to LVL 1 000 (ca. EUR 1 425), with confiscation of the illegally obtained specimens.</p> <p>For regulation-related violations on borders, fines for natural persons range from LVL 50 up to LVL 500 (ca. EUR 360), with confiscation of the illegally obtained specimens; for legal persons from LVL 500 up to LVL 5 000 (EUR ca. 7 140), with confiscation of the illegally obtained specimens</p>	fine of max. hundred times the minimum monthly wage ¹²⁸
	Applied	<p>2013/2014: total amount of administrative fines for illegally traded CITES specimens EUR 6 280; lowest fine was EUR 70, highest EUR 700¹²⁹.</p> <p>2011/12: total amount of administrative fines for illegally traded CITES specimens LVL 1 680 (EUR 2400); lowest fine was LVL 50 (ca. EUR 71), highest fine LVL 100 (ca. EUR 140)¹³⁰.</p>	No criminal proceedings
Lithuania ¹³¹	On paper	Fine of up to EUR 290	(-)
	Applied	2013-2014: maximum sanction imposed was fine of LTL 300 (ca. EUR 87)	No criminal proceedings

¹²⁸ CITES Latvia Biennial Report 2011/2012, p.25

¹²⁹ CITES Latvia Biennial Report 2013/2014, p.17.

¹³⁰ CITES Latvia Biennial Report 2011/2012, p.25

¹³¹ CITES Lithuania Biennial Report 2013/2014, p. 19.

Netherlands ¹³²	On paper	(o)	<p>For crimes: Max imprisonment for 6 years, community service or a fine of EUR 81 000 for individuals and EUR 810 000 for corporations.</p> <p>For offenses: max. detention of 1 year, community service or a max. fine of EUR 20 250 for individuals and EUR 202 500 for corporations.</p> <p>Courts can close down a business for a certain period of time; publish court decisions in certain magazines/newspapers; and prohibit a penalised individual to trade in live animals or keep live animals as pets.</p>
	Applied	<p>Warning letters sent, but no information on fines</p> <p>Common practice that administrative measures for confiscated live specimens include the passing of all associated costs to the offender (costs may be up to ten thousands of EUR)¹³³</p>	(-)
Poland ¹³⁴	On paper	(o)	Prison sentence from 3 months up to 5 years; also fines
	Applied	(-)	Prison sentences of a few months in suspension imposed; otherwise mostly fines and forfeitures
Portugal	On paper	Various sanctions, including fines, prohibitions on engaging in trade of species, seizure etc.	Prison up to one year or fine up to 240 days ¹³⁵
	Applied	2013/2014 ¹³⁶ : 400 fines between EUR 100 and	2009/2010 ¹³⁷ : process involving trading or birds; prison sentences

¹³² CITES Netherlands Biennial Report 2013/2014, p. 21.

¹³³ Interview with Bart Langeveld, responsible for CITES confiscations, Dutch CITES Management Authority (Ministry of Economic Affairs, Netherlands Enterprise Agency), 4 November 2015.

¹³⁴ CITES Poland Biennial Report 2013/2014, pp. 23-24.

¹³⁵ Article 278.2 of the Portuguese Criminal Code.

		EUR 37 500	of 1,5 years and 4,5 years respectively and seizure of about 400 birds
Romania	On paper	Fines between EUR 1 190 and EUR 3 570 for private persons; between EUR 7 140 and EUR 23 800 for legal persons ¹³⁸	Up to three years in prison ¹³⁹
	Applied	2013/2014 ¹⁴⁰ : two measures reported; fines of EUR ca. 8 900 and 1 700 respectively No other information available	No criminal proceedings
Slovakia	On paper	(o)	(-)
	Applied	2013/2014: 38 fines imposed, no other information available	In two cases expulsion from country for foreign nationals
Slovenia	On paper	(o)	Maximum prison sentence of 3 years, maximum fine and EUR 20 856 for private citizens ¹⁴¹
	Applied ¹⁴²	No information available	2012: 8 criminal proceedings reported, in two of them fine of EUR 300 2011: 5 criminal proceedings reported, in 4 of them fine of EUR 300
Spain	On paper	Act on smuggling: fines depending on value of seized goods, from 200 % to 350 % of the value of seized assets + closure of establishment for up to 12 months	Article 332 of the Criminal Code: penalty of 6 months to 2 years in prison and a fine of 8 to 24 months and disqualification from profession or trade for a period of 6 months to 2 years for anyone who trafficks in protected species

¹³⁶ CITES Portugal Biennial Report 2013/2014, p. 22.

¹³⁷ CITES Portugal Biennial Report 2009/2010, p. 114.

¹³⁸ Crook, Vicky. "Analysis of EU Member State CITES Biennial Reports 2011–2012. Report prepared for the European Commission", 2014, p. 70.

¹³⁹ Crook, Vicky. "Analysis of EU Member State CITES Biennial Reports 2011–2012. Report prepared for the European Commission", 2014, p. 70.

¹⁴⁰ CITES Romania Biennial Report 2013/2014, p. 15.

¹⁴¹ TRAFFIC 2014.

¹⁴² CITES Slovenia Biennial Report 2011/2012, Annex IV

			<p>of wild flora.</p> <p>Article 334 of the Criminal Code: penalty of 6 months to 2 years in prison and a fine of 8 to 24 months and disqualification from profession or trade hunting and disqualification for between 2 to 4 years for anyone trafficking in protected wildlife species.</p> <p>Crime of smuggling: imprisonment between 1 and 5 years, additional monetary fines between 100 and 600 % of assets involved, and further suspension for a period of 6 months and 2 years of the activities of import, export or trade in the category of goods being smuggled</p>
	Applied ¹⁴³	<p>Examples of administrative sanctions:</p> <p>2014: maximum penalty for an administrative offence of smuggling was EUR 56 670 relating to four specimens of "Cock Rock" (<i>rupicola peruviana</i>)</p> <p>2013: maximum penalty for an administrative offence of smuggling of 4 crocodile specimens was EUR 70 800</p>	<p>Examples of criminal sanctions:</p> <p>2014: 22 months imprisonment, fines, confiscation of specimens, and prohibition from exercising activities related to the environment, fishing or hunting for 18 months relating to 61 turtles</p> <p>2013: Prison sentence of four months for a smuggling crime and fine of EUR 225 000 in case relating to two bags containing animal remains from more than 130 specimens</p>
Sweden	On paper	(o)	(-)
	Applied	2011/2012: Fines of approx. EUR 250 and 300 for smuggling	No criminal proceedings in 2011/2012, no information available otherwise
UK	On paper	(o)	5 years in prison and unlimited amount of fine

¹⁴³ CITES Spanish Biennial Report 2013/2014, p. 38.

	Applied ¹⁴⁴	(-)	<p>2013/2014:</p> <p>Six months imprisonment for trying to smuggle over 750 kg of rare and endangered corals and clams from Ho Chi Minh City in Vietnam.</p> <p>Fine of GBP 555 for three occasions of fraudulently evading a restriction on the export of ivory</p> <p>Ten months of imprisonment for the theft of a rhino horn replica from the Tring Museum in Hertfordshire</p> <p>One year imprisonment for smuggling San Salvador rock iguanas to the UK</p>
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The numbers of criminal proceedings as reported by Member States in the Biennial CITES reports are evident from the following table:

Table 6: Criminal proceedings 2007 - 2014

	Criminal proceedings 2007 – 2014
Austria	2007 – 2010: 1 ¹⁴⁵ ; no information available for later years
Belgium	Some criminal cases mentioned in CITES 2013-2014 report, but overall number not specified
Bulgaria	Only one criminal proceeding reported, but outcome unclear
Croatia	No criminal proceedings in 2013-2014, no information available for earlier years
Czech Republic	12 criminal prosecution cases in 2007/2008 ¹⁴⁶ , seven cases in 2011/2012 ¹⁴⁷ , 31 cases in 2013/2014 ¹⁴⁸
Denmark	Some criminal proceedings mentioned in CITES 2013-2014 report, but overall number not specified
Estonia	No criminal proceedings
Finland	Two criminal proceedings mentioned in 2013-2014 CITES report ¹⁴⁹ , no

¹⁴⁴ CITES UK Biennial Report 2011/2012, Annex 2.

¹⁴⁵ CITES Austria Biennial Report 2009/2010, p. 71.

¹⁴⁶ CITES Czech Republic Biennial Reports 2007/2008, p. 19.

¹⁴⁷ CITES Czech Republic Biennial Report 2009/2010, p. 19.

¹⁴⁸ CITES Czech Republic Biennial Reports 2013/2014, p. 19.

	information available for earlier years
France	2013/2014 CITES report: no information available ¹⁵⁰ 2011/2012 CITES report: 97 cases transferred to prosecution authorities ¹⁵¹
Germany	Recorded cases ¹⁵² 2014: 7 238 2013: 6 989 2012: 7 006 2011: 7 040
Greece	In 2013/2014 several criminal proceedings reported, but no information on outcome; no information available on earlier years
Hungary	Number of environmental damaging offences since 2010 ¹⁵³ 2014: 125 2013: 125 2012: 99 2011: 101 2010: 148
Ireland	2007/2008: 0, 2009/2010/: 4 ¹⁵⁴ , 2011/2012: 2 ¹⁵⁵
Italy	Some criminal proceedings mentioned, but no details available on numbers ¹⁵⁶
Latvia	No criminal proceedings
Lithuania	No criminal proceedings
Netherlands	Some criminal proceedings mentioned for 2013/2014, but no details available
Poland	Some criminal proceedings mentioned, but no details available
Portugal	Five criminal proceedings mentioned for 2013/2014
Romania	No criminal proceedings

¹⁴⁹ CITES Finland Biennial Report 2013/2014, p. 4.

¹⁵⁰ CITES France Biennial Report 2013-2014, p. 15.

¹⁵¹ CITES France Biennial Report 2011-2012, p. 14.

¹⁵² Offences according to the Nature Conservation Act, Federal Hunting Act, Animal Act, Plant Protection Act as reported in Bundeskriminalamt, Polizeiliche Kriminalstatistik Bundesrepublik Deutschland. Berichtsjahr 2012 und 2014 (Uniform Police Statistics in Germany, reporting year 2012 and 2014; translated into English by Ecologic Institute).

¹⁵³ As reported by Hungarian Criminal Statistics. "The number of registered crimes according to the location of the offences." The figures cover offences under paragraph 242 of the Hungarian Criminal code on environmental damaging offences. It should be noted that the statistics do not only cover CITES related offences but also offences linked to other protected species and habitats, including Nature 2000 sites, and no disaggregate figures are available.

¹⁵⁴ CITES Ireland Biennial Report 2009/2010, p.4

¹⁵⁵ CITES Ireland Biennial Report 2011/2012, p.4

¹⁵⁶ Curiously, the CITES Italy Biennial Report 2007/2008, p. 7 mentions « Illegal-trade (conspiracy to murder) of cacti » as one of the crimes in question.

Slovakia	Some criminal proceedings mentioned, but no details available
Slovenia	Some criminal proceedings mentioned, but no details available
Spain	2015 (until September): 18 prosecutions ¹⁵⁷ 2014: 6 prosecutions 2013: 9 prosecutions 2012: 7 prosecutions 2011: 8 prosecutions 2010: 3 prosecutions 2009: 10 prosecutions 2008: 6 prosecutions 2007: 5 prosecutions
Romania	In 2013/2014 and 2011/2012 no information available, in 2009/2010 no criminal prosecutions ¹⁵⁸
UK	2007/2008: 4 criminal prosecutions for CITES-related violations 2009/2010: 21 prosecutions for CITES related violations 2011/2012: 6 “significant prosecutions” ¹⁵⁹ 2013/2014: unspecified number of “significant prosecutions” mentioned ¹⁶⁰

In several countries there have been changes in the national legislation regarding, among others, the level of sanctions. Where the sanctions stipulated in the law have been subject to legislative changes, they usually appear to have been made more severe. This has been reported notably for Finland, France, Ireland and Spain. In Spain, the latest changes have led to criticism from academics that the criminalisation is excessive (Muñoz Conde et al. 2015). This is echoed by interviewees in Poland who indicated that the Polish approach of making all illegal activities related to CITES a criminal offence under Polish law is problematic¹⁶¹. The approach is seen as potentially leading to congestion in already saturated criminal courts. Moreover, it is considered one of the reasons for closures of wildlife related cases at the phase of investigation and acquittal of perpetrators (Duda & Chrobot, 2015), as prosecutors and judges are reluctant to impose criminal sanctions that they do not consider proportional to the offence. To add more flexibility to the system of sanctions, creating a toolbox of applicable penalties adapted to the nature and weights of offence is seen as desirable in Poland.

Another interesting insight from Spain is that the conviction rate for environmental crime is very low and in the case of crimes against nature is just 17% as compared e.g. to cases of offences related to urban planning, which is 52.9 % (Fajardo et al. 2015, p. 68). Finally, in Spain data also shows that a relatively small percentage of prosecutions related to environmental crime in general relates specifically to wildlife-related crime. Notably,

¹⁵⁷ Data on wildlife prosecutions for all years provided by SEPRONA; on file with authors.

¹⁵⁸ CITES Romania Biennial Report 2009/2010, pp. 4f.

¹⁵⁹ CITES UK Biennial Report 2011/2012, Annex 4.

¹⁶⁰ CITES UK Biennial Report 2013/2014, Annex 3. The report indicates that what is included is “a selection of major cases and only gives a limited account of seizures made ... during the reporting period”.

¹⁶¹ Interview with Karol Wolnicki, Ministry of Environment, senior specialist at the Department of Forestry and Conservation – CITES Management Authority of Poland, 29 October 2015; interview with Rafał Tusiński, Polish Ministry of Finance – Customs Service, expert in charge of CITES and other non-tariff barriers, 2 November 2015; interview with Dr. Andrzej Kepel, chair of the State Council for Nature Conservation (CITES Scientific Authority of Poland), chair of PTOPI “Salamandra”, a leading conservationist NGO in Poland, 5 November 2015.

criminal charges were brought in 2014 in almost 700 cases of environmental crime in Spain; as noted above only six of these (or less than 1 %) were related to wildlife crime¹⁶².

A few interesting and overarching **conclusions** resulting from the above overview are the following:

- The information provided on sanctions varies significantly across Member States. Only a minority of Member States makes comprehensive information available on the number of criminal proceedings conducted annually. No Member State appears to provide comprehensive information on the sanctions applied in all of these cases.
- There are generally few cases reported where offenders in wildlife-related cases have been sentenced to prison. Equally, the level of fines is often relatively low.
- It is not possible with the information available to offer robust conclusions on the reasons addressing why the number of proceedings and cases reported vary so significantly. Differences could stem from 1) reporting itself (i.e. some countries simply having better systems for monitoring enforcement activities), 2) different levels of enforcement (i.e. more or less cases being detected and prosecuted) or 3) different levels of wildlife crime actually taking place. Yet, the quite significant differences – which are also evident from the number of confiscations discussed in section 4 above – suggests that factors 1) and 2) appear to at least play a certain role.

5.3. Cooperation on law enforcement and other activities

5.3.1. Cooperation between national authorities/actors

The administrative responsibilities and organisational set-up of the authorities responsible for enforcing wildlife-related administrative and criminal provisions vary widely between Member States. Typically, these include

- the national/federal ministry for the environment (but sometimes also a different federal ministry, such as the one of the interior, agriculture or economic affairs) and their respective executive agencies
- a scientific institution (e.g. a natural history museum) or scientific experts
- customs
- police
- prosecutors.

In Member States with a federal structure, there may be multiple police forces or administrative authorities involved, including different police and administrative authorities. Such federal structures create problems of their own; for example, the number of local CITES authorities involved in dealing with wildlife crime in Germany, a federal country, has been put at 235 (Kaufmann 2009). This comes in addition to police forces, customs as well as central authorities at federal and sub-federal (*Bundesländer*) level.

Often, a veterinary authority is involved as well. Only a few Member States seem to have police forces specialised on wildlife crime (e.g. Belgium, France, Netherlands and Spain).

¹⁶² These figures were compiled using data of SEPRONA and the Annual reports of the Office of the Prosecutor Coordinator on Environment and Urban Planning. The reports are generally available at <https://www.fiscal.es>; the last one is available at: https://www.fiscal.es/memorias/memoria2015/FISCALIA_SITE/recursos/pdf/capitulo_III/cap_III_3.pdf

Given that in most countries a wide range of authorities are involved in efforts to combat wildlife crime, **cooperation** between them is important. For many Member States it is reported that the different authorities involved cooperate in various ways. Some countries (e.g. Croatia, Germany, UK) have a standing committee or working group on wildlife law enforcement where all relevant authorities are represented. In some Member States (e.g. Poland) NGOs participate in this group. In other Member States cooperation seems to be less institutionalised, with meetings of the relevant authorities being held more or less regularly (with varying frequency). Only some Member States explicitly report about the cooperation between their management and scientific authority; however, it would appear that the nature of their roles would require frequent contact in all of the Member States with significant wildlife trade.

Finland reported that at the end of 2012, the Ministry of the Environment set up a working group to evaluate Finnish in-country CITES enforcement and the cooperation between Finnish authorities. Following this evaluation, the Ministry decided to establish a formal authority network to take the recommended actions further.

Among the countries studied more in-depth, there are some countries where officials consider **internal cooperation to work relatively well**, both formally and informally. One example is Germany (see Box 7). In Poland, CITES coordinators have been established at regional and central level in the Police and Customs Service in 2004. This approach is considered a good practice by enforcement officials¹⁶³. Also, the flow of information between different entities relevant to wildlife crime (i.e. Customs Service, Police, Ministry of environment, NGOs, academia, zoological and botanical gardens) is believed to work relatively well, even though it is triggered on a case by case, ad hoc basis. Potential room for improvement is seen in relation to more clarity as to which entity is in charge, details of transferred information and specific time and grounds for transfer¹⁶⁴. Generally, there are mixed views on how effectively different actors cooperate in Poland. The CITES management authority and scientific authority consider the establishment of the National Enforcement Working Group for CITES in 2006 a good practice that proved successful in coordinating knowledge sharing and generally combating wildlife crime. Another interviewee, however, criticised the quality of coordination among different stakeholders activities related to combat wildlife crime in Poland, describing it as “non-transparent” and “ineffective”, allowing for isolated actions by enforcement agencies with very limited, anecdotal effects¹⁶⁵. Spanish experts criticised that when judges dismiss criminal charges they do not remit the case to the administrative authority¹⁶⁶.

Box 7: Formal and informal cooperation on wildlife crime in a federal state - the German example

Concerning cooperation within Germany, there are on the one hand the formalised ways of sharing information between the agencies. The cooperation between the customs and the German CITES Management Authority (*Bundesamt für Naturschutz, BfN*) as well as between the federal state police including the respective State Criminal Police Office

¹⁶³ Interview with Rafał Tusiński, Polish Ministry of Finance –Polish Customs Service, 2 November 2015.

¹⁶⁴ Interview with Karol Wolnicki, the Ministry of Environment, senior specialist at the Department of Forestry and Conservation, CITES Management Authority of Poland, 29 October 2015.

¹⁶⁵ Interview with Wiesław Pływaczewski, Chair of Criminology and Criminal Policy Department, Law and Administration Faculty, University of Warmia and Mazury in Olsztyn, 10 November 2015.

¹⁶⁶ Interview with Spanish CITES authorities, October 2015.

(*Landeskriminalamt*, LKA), and the Federal Criminal Police Office (*Bundeskriminalamt*, BKA) is clearly defined by official instructions and specified reporting channels¹⁶⁷.

On the other hand, there is informal cooperation between the federal state (*Bundesländer*) level and the federal level. Although the BfN has no authority to give directives to the federal state agencies, it is recognised as a competent technical authority which delivers information (e.g. newsletters with new developments, special cases, seizures, court decisions) and provides a password protected internet platform with information that can be obtained by the federal state authorities. Of special importance are also personal contacts; there is a quite well-established informal network of personal relations¹⁶⁸.

The same is true for the cooperation between the BKA and other national institutions. Between the BKA and the LKAs there is a good formal cooperation, and informally there is also close cooperation with the BfN on the working level. The sharing of information from the side of customs authorities is reported as being sometimes difficult, mostly related to data protection issues. But in general, also the BKA reports a very good working cooperation between all agencies and institutions working on wildlife crime in some way¹⁶⁹.

Problems with cooperation are mainly of an organisational nature. The topic of wildlife crime is covered in many federal states (*Bundesländer*) on the level of administrative districts by one employee who mostly works only part-time on the topic and has no other person to exchange experience with, little expertise and training.

If and where cooperation does not work well, several **obstacles** have been identified. These include a lack of resources (staff/money) for engaging in cooperation as well as legal obstacles (e.g. in the form of data protection laws restricting the exchange of data)¹⁷⁰. For example, in Poland the National Enforcement Working Group for CITES established in 2006 as a cooperation platform for all stakeholders involved in protection of endangered flora and fauna species did not hold any meeting in 2015 due to a lack of funding. In the UK, the National Wildlife Crime Unit has the role to obtain intelligence from a wide range of organisations and then to disseminate this information in order to assist police forces in wildlife crime investigations. Although between 2011 and 2013 the submission of intelligence has maintained a steady level, the NWCU has been experiencing problems as some police forces lack the ability to submit intelligence (NWCU, 2014)¹⁷¹. This is primarily the result of a lack of resources, issues within the police's Intelligence Bureaus and the adoption of new IT systems, which in turn pushes wildlife crime issues to not be effectively dealt with by the police or to become a low priority area.

5.3.2. International cooperation of Member States

Generally speaking, Member States list a **variety of forms in which they cooperate** with other Member States and third countries: participation in joint police/enforcement

¹⁶⁷ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

¹⁶⁸ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

¹⁶⁹ Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 05 November 2015.

¹⁷⁰ Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 05 November 2015.

¹⁷¹ Interview with Martin Sims, Chief Inspector, Head of UK National Wildlife Crime Unit (NWCU), 30 October 2015.

operations, provisions of training/capacity-building¹⁷², joint workshops, seminars etc., information and data exchange (notably via EU-TWIX). As well as, participation in and financial support to structures such as the EU Enforcement Group, the Interpol Wildlife Working Group or the WCO Working Group on CITES issues. An example of efforts by Member States to put the topic of wildlife crime higher on the international agenda is the London Conference convened by the UK government.

¹⁷² Notably, training of enforcement authorities in the newest EU Member State Croatia has been facilitated through EU programmes such as TAIEX or twinning projects.

Box 8: The London Conference and its follow-up process

In February 2014, the London Conference on Illegal Wildlife Trade (IWT) brought together global leaders to focus on how to tackle wildlife trafficking and was chaired by Foreign Secretary William Hague and attended by the Prince of Wales, the Duke of Cambridge and Prince Harry. The conference was concluded with the adoption of the London Declaration on the Illegal Wildlife Trade, which contains 25 commitments within five overarching objectives for the parties of the declaration to tackle illegal wildlife trade. The five overarching aims are the following:

- To eradicate the market for illegal wildlife products;
- To ensure effective legal frameworks and deterrents;
- To strengthen law enforcement;
- To ensure sustainable livelihoods and economic development; and
- To identify the way forward.

As a follow-up to the London Conference in March 2015 a second high-level conference on illegal wildlife trade was held in Kasane, Botswana for which an overall progress report was prepared. Furthermore, 25 countries, including the UK, and nine international organisations, including Interpol and UNDP, provided self-assessment reports to review their progress since the first conference. The third IWT Conference is planned to take place in Vietnam in late 2016.

Concerning international police cooperation, most Member States have participated in **Operation COBRA III**, the largest coordinated international law enforcement operation that targeted illegal trade in endangered species and included participation of 62 countries from Europe, Africa, Asia and America as of 2015. In some Member States, this led to a significant number of seizures; notably 50 000 wildlife items were seized in UK, 10 000 in Austria and 5 000 in Germany during the operation¹⁷³. Some Member States (e. g. France¹⁷⁴) also report having participated in other joint police actions, some of them with non-EU countries.

Some of the CITES reports compiled by Members States contain information on the extent to which there is **trans-boundary cooperation on enforcement** in the form of joint operations, mutual requests for assistance, controlled deliveries etc. For example, Bulgaria reports having collaborated with Serbia on seizures of caviar. Several Member States also report having cooperated on relocation of confiscated species. Cooperation between Member States is also reported in the context of some EU-funded projects (e.g. LIFE+ projects) on awareness-raising measures. At the international level, several Member States report having provided funds to non-EU (developing) countries to strengthen efforts to combat wildlife crime.

In relation to **cooperation on data exchange**, some Member States report in their CITES reports on their contribution to and use of the EU-TWIX database (e.g. Belgium), but also on bilateral exchange of data. Some Member States also have reported cooperation on data sharing with the European Anti-Fraud Office (OLAF), the World Customs Organization (WCO) and Europol. Polish authorities were commended on their effective communication under Interpol's Ecomessage system. 'The INTERPOL Ecomessage award is presented to

¹⁷³ CITES et al., Joint Press Release, Successful operation highlights growing international cooperation to combat wildlife crime, 18 June 2015, https://cites.org/eng/news/pr/icwc_press_release_cobra_III

¹⁷⁴ CITES France Biennial Report 2013-2014, p. 5; CITES France Biennial Report 2011-2012, p. 4.

the country or countries which have contributed most significantly to the international exchange of intelligence relating to environmental criminals. Botswana and Poland were recognized in 2010, in particular, for the value of their information and their consistency in submitting ecomessages' (IFAW, 2011). The UK's National Wildlife Crime Unit has recently disseminated intelligence obtained domestically to other countries, which in some cases has led to the take up of enforcement actions by the responsible authorities in the respective countries¹⁷⁵.

In the Czech CITES reports it is noted that some Member States have domestic laws in place protecting personal data that restrict them from sharing information on wildlife trade, which poses a challenge to international cooperation efforts¹⁷⁶.

However, the sources reviewed so far do not provide sufficient information on how frequent such cooperation is and whether it is adequate to address cases of wildlife crime that have a trans-boundary component. However, some of the interviewees indicated that they found Interpol and Europol especially valuable regarding requests for mutual assistance. According to one police officer interviewed, this increases the speed of the process enormously¹⁷⁷.

5.4. Enforcement activities and effectiveness of framework in place

The level of detail provided by Member States on their enforcement activities varies widely. Some Member States (e.g. Germany) provide information on the number of annual inspections and administrative proceedings, while most Member States do not provide such information.

From the information available, it is evident that the level of efforts invested by Member States in combating wildlife crime diverges. Not all Member States have a national action plan on wildlife crime as recommended by CITES Resolution Conf. 11.3 (Rev. CoP16)¹⁷⁸ and Commission Recommendation 2007/425/EC of 13 June 2007¹⁷⁹. Even where Member States have such enforcement action plans, they are not necessarily publicly available.

Table 7: Action plans in Member States

National enforcement action plans within Member States ¹⁸⁰	
Austria	Management Authority has ongoing action plan, which involves enforcement and scientific authorities
Belgium	No action plan
Bulgaria	No action plan
Croatia	Action plan exists

¹⁷⁵ Interview with Martin Sims, Chief Inspector, Head of UK National Wildlife Crime Unit (NWCU), 30 October 2015.

¹⁷⁶ CITES Czech Republic Biennial Report 2011/2012, p. 34.

¹⁷⁷ Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 5 November 2015.

¹⁷⁸ Available at <https://cites.org/eng/res/11/E-Res-11-03R16.pdf>.

¹⁷⁹ Commission Recommendation of 13 June 2007 identifying a set of actions for the enforcement of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (notified under document number C(2007) 2551), OJ L 159, 20.6.2007, p. 45–47

¹⁸⁰ Information compiled on the basis of CITES biennial reports reviewed and - for Germany, Netherlands, Poland, Spain, UK – interviews.

Czech Republic	As result of the details in the Czech national CITES legislation and the strict domestic legislation covering biodiversity and wildlife, the country has not yet seen the need to develop its own CITES National Action Plan ¹⁸¹ .
Denmark	Yes
Estonia	Yes
Finland	No action plan
France	Action plan expected soon
Germany	No action plan, other measures considered to be sufficient (¹⁸²)
Greece	No action plan
Hungary	No action plan
Ireland	No information available
Italy	No action plan
Latvia	No information available
Lithuania	No action plan
Netherlands	No specific action plan to tackle illegal wildlife trade, but action plan for enforcement of CITES related regulations
Poland	Adoption of action plan expected for 2017 ¹⁸³
Portugal	Portugal adopts action plans that include organized inspections of traders, producers, breeders and markets and border controls. ¹⁸⁴
Romania	No action plan
Slovakia	Action Plan against trafficking in endangered species adopted in 2013
Slovenia	No action plan
Spain	No action plan: "a national enforcement action plan is not perceived to be necessary, because the administrative and enforcement authorities are in constant communication with each other" ¹⁸⁵ .
UK	No enforcement plan, but UK Commitment to Action on the Illegal Wildlife Trade in 2014, which is a type of action plan.

¹⁸¹ CITES Czech Republic Biennial report 2013-2014, p. 33.

¹⁸² Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

¹⁸³ Interview with Karol Wolnicki, the Ministry of Environment, senior specialist at the Department of Forestry and Conservation, CITES Management Authority of Poland, 29 October 2015.

¹⁸⁴ Portuguese CITES Biennial Reports 2011-2012, 2013-2014.

¹⁸⁵ Spanish CITES Biennial Reports 2011-2012, 2013-2014.

Monitoring activities reported would usually relate to shops, markets, producers, and registered breeders and include border controls by customs. In some countries, inspections have been restricted to certain areas or facilities, probably those that present most risks (e.g. because of their location close to borders). Some Member States report both random controls as well as those controls that result from tip-offs (e.g. Spain); the approach is less clear in other Member States. Some Member States (e.g. France and Spain) report having conducted several larger scale, coordinated police operations, usually resulting in the confiscation of a larger number of wildlife items. Such operations sometimes also target organized crime structures (e.g. in Spain).

There is little information available on the extent to which **internet-based trade** is monitored for most Member States; however, there have been targeted efforts in some countries, sometimes in cooperation with NGOs (e.g. Poland or Spain). Many Member States report that in addition to actual enforcement activities, they have also engaged in training and awareness-raising, sometimes in cooperation with NGOs.

Box 9: Best practice in enforcement – targeted controls

From the perspective of the German CITES management authority, an example of best practices regarding enforcement is targeted controls. Instead of using a broad-brush approach, controls are concentrated on a specific area in a specific time frame using as many forces as possible. The success of this method is based on the registration system of the federal states which contains the data on which the targeted controls are based. Although this data is only recorded on the federal state level, comprehensive data are available. This relatively good monitoring and documentation system and the bookkeeping obligations for wildlife traders are the prerequisite for conducting targeted controls¹⁸⁶.

The **level of efforts** that Member States have undertaken to assess the effectiveness of the framework they have in place for combating wildlife crime also varies. Several Member States indicate in their CITES reports that they have not yet undertaken such an assessment (e.g. Croatia). Other Member States (e.g. Belgium, Denmark, Estonia, Netherlands, Sweden) state that their legislative framework has been assessed to be adequate and problems arise rather from enforcement. This has also been confirmed in interviews, e.g. for Germany¹⁸⁷. With regard to the Netherlands, one expert expressed the view that the relative high level of wildlife crime in the country is related to a lack of stringent regulation in the past, i.e. before EU harmonisation¹⁸⁸.

However, there are some exceptions to this general picture. The Spanish management authority considers the regulatory framework as too complex¹⁸⁹. Moreover, the Spanish Prosecutor's Office for the Environment has criticised that permit documents do not have an expiry date and there is no post-grant monitoring, a flaw that facilitates laundering of illegal specimens through the replacement of individuals born in captivity by others from the wild, or replacing dead specimens with those poached¹⁹⁰. As noted below, the Polish approach of criminalising all wildlife-related illegal activities is also criticised by practitioners. In the UK, the legislative framework has recently been evaluated through a consultation, the results of which have been recently published (DEFRA, 2015). A new

¹⁸⁶ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

¹⁸⁷ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

¹⁸⁸ Interview with Daan van Uhm, wildlife crime researcher at Utrecht University, 28 October, 2015.

¹⁸⁹ Interview with Mercedes Nuñez and Antonio Galilea of the Spanish MA, 30 October 2015.

¹⁹⁰ Conclusiones de las VI y VII Reuniones Anuales de la Red de Fiscales de Medio Ambiente y Urbanismo, Madrid, 2013 y 2014, available at fiscal.es

regulation was due to come into force in October 2015¹⁹¹; however, as a result of further internal deliberation on how to take into consideration the results of the consultation process the regulation is still being reviewed and DEFRA's intention is to publish it as soon as possible in 2016¹⁹².

In relation to implementation and enforcement, the following **challenges** are reported by many or several Member States:

- Lack of sufficient staff and monetary resources within the relevant authorities. This translates into a low number of controls, a lack of willingness to undertake costly enforcement measures and less time available for cooperation and sharing data on the issue.
- Lack of specialised knowledge on wildlife crime in administrative, enforcement and judicial bodies and lack of specialised institutions: This can be attributed to a general lack of priority and resources allocated to wildlife crime issues as well as a lack of specialised training for law enforcers¹⁹³). It applies to various actors in the enforcement chain – police/customs, prosecutors and judges – to different degrees in the different Member States. In Poland, one reason behind the lack of specialised knowledge is that enforcement officers that have been successful in combating wildlife crime are often promoted to other posts, no longer dealing with wildlife crime¹⁹⁴. In the UK, future funding for the National Wildlife Crime Unit, which has a crucial role in tackling wildlife crime within the UK, is only guaranteed until March 2016 and no decision has been made on future funding yet. The funding is decided on an annual basis. This places the unit under a continual uncertainty, which is not good for attracting and retaining good staff. For Germany, an expert observed that the topic of wildlife crime was covered in many federal states on the level of administrative districts by one employee who mostly worked only part-time on the topic and had no one to exchange experience with, little expertise and training; being responsible for wildlife was not very popular and thus the people working on it frequently changed¹⁹⁵. Such changes obviously also entail a loss of specialist knowledge.
- Low level of sanctions applied, with the level of sanction not reflecting adequately the market and conservation value of seized and confiscated specimens: This is probably attributable to a sense among enforcement institutions that wildlife crime is not a serious enough crime to warrant more severe sanctions.
- Non-use of criminal sanctions and preference for administrative sanctions: One important problem why charges do not result in criminal sanctions is the high rate of dismissals and acquittals because of insufficient evidence. A different reason behind a lack of criminal sanctions identified for the Polish context is that Polish courts close the cases in the early phase, because there is a rigid system of sanctions embedded in Polish Penal Code, which categorize any CITES-related infringement as a crime. However, courts are reluctant to impose criminal sanctions that they consider out of

¹⁹¹ As announced in the UK Government. "Self-assessment of progress on commitments in the London declaration. United Kingdom." 2015

¹⁹² Email exchange with DEFRA, 2015, on file with authors.

¹⁹³ For example, in Germany a special training on wildlife crime for police officers, which used to be held at a nation-wide level for a week for a certain number of participants who had already received basic training on environmental crime more generally was cancelled in 2015 for financial reasons. By contrast, custom officials usually receive more training on wildlife crime detection, see Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 05.11.2015

¹⁹⁴ Interview with Rafał Tusiński, Polish Ministry of Finance – Polish Customs Service, 2 November 2015.

¹⁹⁵ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015

proportion with the severity of the offence. Another reason identified by one of the German interviewees behind the preference of enforcement institutions for the use of administrative law is that the money received as an administrative fine goes to the local authority dealing with the case; the same is not true in criminal proceedings¹⁹⁶. However, this does not necessarily apply in all Member States¹⁹⁷.

Box 10: Why there are no criminal sanctions in cases of wildlife crime – an example from Spain

Important inquiries in Spain have been dismissed due to a lack of evidence. One example is the case of the Barcelona ivory auction of Balclis, a case of auctioning numerous pieces of ivory which received considerable media attention, was also dismissed¹⁹⁸ for lack of evidence. The judge accepted the defence's evidence on the antiquity of the pieces. However, antique certificates provided by defendant had been issued by experts in private documents; the Management Authority doubted their reliability. Again inconclusive DNA tests and lack of proof of the artificial aging of the ivory tusks led to a dismissal.

Additional problems that are only reported by some Member States are related to the lack of certain technical resources and include for instance the lack of internet access of certain authorities¹⁹⁹ and the lack of technical equipment²⁰⁰. Other problems reported by some Member States mentioned the difficulties when sharing a border with a non-EU country that does not have a CITES permit system in place²⁰⁰. Some difficulties are also reported in applying the current legal framework of the EU²⁰¹.

Several experts also indicated that the varying levels of enforcement in the EU were a major problem²⁰². Much wildlife enters the EU through countries at the Southern and Eastern borders. At these borders, transport of wildlife and wildlife products may be easily laundered, for example by importing species caught in the wild as captive bred. In some countries, CITES certificates are easily granted, especially when customs are paid a small bribe. Experts from Spain interviewed for this study also pointed to an example where they observed that after one day of increased inspections in one of the main points of entrance into Spain, the flows were redirected to Portugal in less than 24 hours²⁰³.

In Poland, a **lack of dedicated shelters** for seized animals is believed to lead to a lack of enforcement as police officers would avoid seizing animals in order to eliminate the burden of finding appropriate placement. There is no sufficient infrastructure to provide shelter for forfeited animals. Zoological gardens are not required to shelter such animals and only occasionally accept to accommodate them. Moreover appropriate centres for protected wildlife species require a good level of protection; there have been instances where confiscated parrot species of high financial value were placed by the enforcement agents in a zoo and were stolen from their new shelter the following day. As a consequence, there is

¹⁹⁶ Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 5 November 2015

¹⁹⁷ For example, in Spain only 10 % of the amount of administrative fines or the proceeds will be destined to CITES management activities.

¹⁹⁸ Auto de sobreseimiento provisional, Juzgado de Instrucción nº13 de Barcelona, nº Diligencias previas 0966/13-B, 4 May 2015.

¹⁹⁹ This is reported from Slovakia.

²⁰⁰ Croatia, in relation to the border with Bosnia.

²⁰¹ See for Spain for example "Conclusiones de las VI y VII Reuniones Anuales de la Red de Fiscales de Medio Ambiente y Urbanismo", Madrid, 2013 y 2014, available at fiscal.es

²⁰² Interview with Jaap Reijngoud, independent consultant, specialized in wildlife crime enforcement, 9 November 2015; interview with Mercedes Nuñez and Antonio Galilea of the Spanish Management Authority, 30 October 2015.

²⁰³ Interview Spanish CITES MA, 30 October 2015, Chatham House rules apply

a risk of police refusing to take up cases involving living animals²⁰⁴. A similar observation is contained in the latest strategic assessment of the UK's National Wildlife Crime Unit which notes that 'the costs associated with seizure and retention of specimens prior to court and disposal of specimens forfeited by courts impacts on the willingness of many police forces to undertake effective enforcement actions' (NWCU 2014, p.4).

In Poland, there is also a suspicion that Polish enforcement agents avoid direct confrontation with offenders such as poachers or suspected mafia agents²⁰⁵.

In Spain, several experts reported problems in ascertaining the origin of trade of species, in particular in the case of species where there are quotas for both captive bred and wild caught ones. Species that are also bred legally in captivity are sometimes used to "launder" illegally trade species²⁰⁶. In their view, the problem is exacerbated by the fact that in most Member States there are no controls on breeding in captivity of Annex B species. Spanish CITES management authorities are against active policies promoting breeding in captivity outside range countries; if breeding in captivity takes place, it should be in the country of origins to allow the respective countries to benefit from it in their view²⁰⁷.

Moreover, experts from Spain also indicated that a lack of effective cooperation by customs authorities may be caused by Member States desire to increase the volume of goods entering their borders²⁰⁸.

Finally, another expert observed that public entities rely, and are replaced by in some cases, on non-governmental organisations in their efforts to combat wildlife crime. According to the expert, such reliance on non-state actors may be one of the reasons of weak internal coordination between public entities in charge of wildlife protection²⁰⁹.

Box 11: Spain: a specialised police force and specialised prosecutors

Spain is one of the few Member States with a specialised police force for environmental crime, called Servicio de Protección de la Naturaleza (SEPRONA). SEPRONA is part of the Guardia Civil, the Spanish (military) police force which is generally entrusted with combating specific types of crime. Some Autonomous Communities such as the Basque country or Catalonia also have powers regarding environmental crime, thus the Ertaintxa, the police for of the Basque Country, and the Mossos d'Esquadra, the police force of Catalonia, have special sections working on wildlife crime among other environmental crimes.

The permanent infrastructure of SEPRONA allows for inspections and operations that are based on regularity and consistency rather than on a cost-benefit decision. In 2015, in response to the request of Europol and INTERPOL to develop a coordinated global action to combat illegal activities, SEPRONA reported a total of 720 inspections in zoological centres, circuses and animal markets, among others during the two months period of Operation Cobra III, a joint international police operation on wildlife crime. However, as SEPRONA has pointed out, these inspections were part of its regular activities. With 1 800 agents in

²⁰⁴ Interview with Andrzej Kepel, chair of the State Council for Nature Conservation (CITES Scientific Authority of Poland), chair of PTOF "Salamandra", 5 November 2015

²⁰⁵ Interview with Andrzej Kepel, chair of the State Council for Nature Conservation (CITES Scientific Authority of Poland), chair of PTOF "Salamandra", 5 November 2015

²⁰⁶ Interview with Mercedes Nuñez and Antonio Galilea, Spanish Management Authority, 30 October 2015.

²⁰⁷ The Spanish CITES management authorities gave the example of *Prunus africana*, a species used successfully to fight against prostate cancer. It has been synthesized in Germany. These experts recommend training programmes in range countries to teach local communities how to harvest the bark without damaging the trees.

²⁰⁸ Interview with Spanish CITES Management Authority, October 2015.

²⁰⁹ Interview with Wiesław Pływaczewski, Chair of Criminology and Criminal Policy Department, Law and Administration Faculty, University of Warmia and Mazury in Olsztyn, 10 November 2015.

Spain, SEPRONA has developed a modus operandi that combines daily activities on the ground collecting information on activities and actors related with wildlife crime as well as targeted investigations into suspicious activities.

In 2015, the Guardia Civil increased its staff with specialized units in the fight against organized crime in order to maximize investigations and prosecutions in the areas of organized crime, money laundering and fighting corruption. Their aim is to boost the number of operations and arrests developed in these areas²¹⁰.

Besides a specialised police force, Spain also has prosecutors specialised in environmental crime at different levels (Fajardo et al. 2015, 57). The Spanish Prosecutor's Office at the Supreme Court has a coordinator for environmental crime ('Fiscal de Medio Ambiente y Urbanismo'). He/she is responsible for the coordination and supervision of the activity of all Spanish public prosecutors in the area of environmental crime. Public prosecutors with special tasks in the field of the environment also exist in the High Courts and Provincial Courts. In 2004, a prosecutor in each provincial jurisdiction was made responsible for the prosecution and coordination of crimes and offences against the environment. This means that specialized prosecutors now exist from the lowest to the highest level of prosecution.

The number of environmental prosecutors has increased from 126 to 139 in recent years (Fajardo et al. 2015, 10). Prosecutors have adopted guidelines in order to guarantee that the required evidence is provided. In the case of illegal fishing, the prosecutor of Málaga provided very detailed instructions to the law enforcement agencies for them to send pieces of fish to the Spanish Oceanographic Institute. The institute will prepare a report certifying the species, the method of capture and the biological situation of the species and the specific population. At the same time, another report will be requested from the Fishing Inspectorate Service of the Department on Agriculture, Fisheries and the Environment of the Autonomous Community of Andalusia to confirm the information on the situation of the species.

In some Member States the relevant actors regularly **asses their enforcement efforts**. For example, in the UK the National Wildlife Crime Unit undertakes a strategic assessment every two years which supports identifying the UK's wildlife crime priorities, which are set every two years by the UK Wildlife Crime Tasking and Co-ordination Group within the UK Partnership for Action Against Wildlife Crime (PAW UK), a multi-agency body which provides support to coordinate the work of statutory and NGO organisations working to combat wildlife crime.

In terms of where there may be **scope for improvement** at Member State level, some measures mentioned in published documents or by interviewees are the following:

- budget increases
- hiring more staff
- development of implementation tools
- improvement of national networks
- purchase of new technical equipment for monitoring and enforcement and/or setting up of specialized laboratories (e.g. to test DNA samples from tropical wood)

²¹⁰ See SEPRONA, "La Guardia Civil refuerza con 259 agentes la plantilla de las unidades dedicadas a la lucha contra la delincuencia organizada", 12/04/15, available at : http://www.guardiacivil.es/es/prensa/noticias/5306_00.html.

- computerisation
- more consistent use of criminal law
- intensification of controls
- implementation of a system of internet monitoring in relation to wildlife crime,
- more training and capacity building for enforcement authorities and judges
- establishment of specialized enforcement institutions (including police, prosecutors and courts)
- establishing a system of internet monitoring for all EU Member States²¹¹
- providing support to establishment and management of centres sheltering confiscated CITES animal species
- raising awareness on threats related to wildlife crime at central and local level, as well as among travel agents
- devising measures to curtail activities involving wildlife species protected by laws of their countries of origin²¹².

Generally, there is a sense that much political attention is given to the topic of poaching in Africa and in general to iconic species, but rather little attention to other forms of wildlife crime that also tend to get less media attention, but may be more relevant within the EU.

5.5. Conclusions

The following core conclusions can be drawn from Chapter 5:

Legislation

- Overall, the regulatory framework of the EU to combat wildlife crime appears to be rather robust and fit for purpose. The main deficiencies are rather related to enforcement.
- All 25 Member States reviewed have a legal framework in place that defines what constitutes legal and illegal trade in wildlife and transposes the EU legislation into national law. The majority of country profiles report that the national legislative framework consists of both criminal and administrative law provisions; the only identifiable exception being Poland where all illegal activities related to CITES are categorized as criminal offences.
- The majority of Member States appear to have legislation in place that goes beyond the EU's wildlife regulation in some regards (e.g. possession of wildlife products, registration of breeders).
- The level of efforts that Member States have undertaken to assess the effectiveness of the framework they have in place for combating wildlife crime also varies. Several Member States indicate in their CITES reports that they have not yet undertaken such an assessment, while other Member States state that their legislative framework has been assessed to be adequate and problems arise rather from enforcement.

²¹¹ According to Polish sources, a methodology developed for internet-monitoring used in Poland has proven to be efficient and cost-effective.

²¹² Currently, wildlife protection is frequently limited to the species listed in CITES and EU legislation. A model for how to change this is the US Lacey Act.

Enforcement and sanctions

- Insufficient and uneven levels of enforcement of the existing legislation across the EU are a major concern. What is problematic are in particular the varying and often low level of sanctions, a lack of resources, technical skills, awareness and capacity among police forces, prosecutors and judicial authorities, the low priority given to wildlife crime by enforcement institutions and a lack of cooperation between agencies. The distinction between specimens that are captive bred (and can therefore be traded legally) and those caught in the wild is often difficult to make and hampers enforcement.
- The information provided by Member States on sanctions varies significantly. Only a minority of Member States makes comprehensive information available on the number of criminal proceedings conducted annually. No Member State appears to provide comprehensive information on the sanctions applied in all of these cases.
- There are generally few cases reported where offenders in wildlife-related cases have been sentenced to prison. Equally, the level of fines is often relatively low.
- It is not possible with the information available to offer robust conclusions on the reasons why the number of proceedings and cases reported vary so significantly. Differences could stem from: 1) reporting itself (i.e. some countries simply having better systems for monitoring what happens on enforcement), 2) different levels of enforcement (i.e. more or less cases being detected and prosecuted) or 3) different levels of wildlife crime actually taking place. Yet, the quite significant differences suggest that factors 1) and 2) appear to at least play a certain role.
- The administrative responsibilities and organisational set-up of the authorities responsible for enforcing wildlife-related administrative and criminal provisions vary widely between Member States.
- There are a variety of forms in which Member States cooperate with other Member States and third countries, e.g. exchange of intelligence or capacity-building. However, the sources reviewed so far do not provide a lot of information on how frequent such cooperation is and whether it is adequate to address cases of wildlife crime that have a trans-boundary component. Some of the interviewees indicated that they found Interpol and Europol especially valuable regarding requests for mutual assistance.
- Only a minority of Member States have a national action plan on wildlife crime as recommended by CITES Resolution Conf. 11.3 (Rev. CoP16) and Commission Recommendation of 13 June 2007.
- In relation to implementation and enforcement, the following challenges are reported by many or several Member States:
 - Lack of sufficient staff and monetary resources within the relevant authorities. This translates into a low number of controls, a lack of willingness to undertake costly enforcement measures and less time available for cooperation and sharing data on the issue.
 - Lack of specialised knowledge on wildlife crime in administrative, enforcement and judicial bodies and lack of specialised institutions. This can be attributed to a general lack of priority and resources allocated to wildlife crime issues as well as a lack of specialised training for law enforcers. It applies to various actors in the enforcement chain – police/customs, prosecutors and judges – to different degrees in the different Member States.

- Low level of sanctions applied, with the level of sanction not reflecting adequately the market and conservation value of seized and confiscated specimens. This is probably attributable to a sense among enforcement institutions that wildlife crime is not severe enough to warrant more severe sanctions.
- Non-use of criminal sanctions and preference for administrative sanctions: One important problem why charges do not result in criminal sanctions is the high rate of dismissal and acquittals because of insufficient evidence. Other reasons identified for individual Member States are that courts are reluctant to impose criminal sanctions that they consider out of proportion with the severity of the offence, and the preference of enforcement institutions for the use of administrative law on the grounds that the money received as an administrative fine goes to the local authority dealing with the case, which is not the same in criminal proceedings.

6. CONCLUSIONS AND RECOMMENDATIONS

The subsequent **conclusions** are based on the results of Chapters 3-5 in particular. The **recommendations** are based on these conclusions and in addition take into account the results of the **EU's consultation on wildlife trafficking** (European Commission 2014a) as well as policy recommendations that have been made by other actors on the topic. The recommendations are also influenced by the work and provisional results from the **EFFACE project** in which parts of the research team participated²¹³. References to recommendations by other actors will only be included for specific recommendations that the research team would not have recommended anyway. The recommendations are addressed to the European Parliament but also point to actions that the EU at large and its Member States should take to more effectively combat wildlife crime, taking into account their respective competences. For easy and quick reading, the conclusions and recommendations are structured in bullet points.

6.1. Conclusions

6.1.1. Illegal wildlife trade within the EU

- The EU is one of the main global markets for wildlife trade. It is also a complex one as it is one trading block with a comprehensive regulatory framework, but without internal border controls and many different Member States with different measures and procedures for controlling the trade and enforcing regulations.
- The EU is both a **destination and a transit region** for wildlife products. Although European countries seem to have become less important consumers in the well-known trade with African mammals, many countries still seem to have a very important role as a trading hub in exactly that trade. This trade is conducted via the major trade hubs (airports and ports) but the example of the Czech Republic shows that new trade routes are emerging.
- On the other hand European countries still seem to be very important **consumers** and importers **of pets**, especially of reptiles and birds. As this trade is very often not conducted via the main trade hubs, but via the Eastern European land borders and the Mediterranean and Black Sea, enforcement is even more challenging.
- The available information on trade routes is not very detailed, but the following **four important trade routes** could be identified:
 - Large mammals like elephants, rhinos and big cats from Africa and South America to major trade hubs and for further transit to Asia
 - Coastal smuggling of leeches, caviar, fish, as well as reptiles and parrots for the pet trade in Europe
 - Endangered birds from South Eastern Europe to Southern Europe
 - Russian wildlife and Asian exports via Eastern European land routes.
- Seemingly the **demand for alternative medicinal products** very often produced in Asia on the basis of endangered wildlife appears to have **increased** in Europe. In

²¹³ The EFFACE project (European Action to Fight Environmental Crime), is an EU-funded research project that will be completed in March 2016. The latest publication is an analysis of the strengths, weaknesses, opportunities and threats (SWOT) relating to the EU's current approach to combating environmental crime (Farmer et. al. 2015). For more information see www.efface.eu.

this area two trade routes overlap as African wildlife is first traded to Asia via Europe and then back to Europe as alternative medicinal product.

- The overall **trend in wildlife crime** measured in the number of seizures has been **roughly constant** in recent years.
- **Seizures** are concentrated in countries with large overall trading volumes like Germany, the Netherlands, Spain and France. Overall the **UK, Germany and Netherlands** are responsible for more than 70% of seizures in 2007-2014. This high number of seizures may also be attributable to well developed enforcement in these countries.
- About half of the seizures are carried out at **airports** (e. g. London Heathrow, Paris Charles de Gaulle, Frankfurt a. M. and Amsterdam Airport Schiphol). **Mailing centres** are expected to become more important in the coming years.
- The **internet** is becoming an increasingly important place for the illegal trade in wildlife and its products.
- Most of the products confiscated are reported in the EU-TWIX database as imports although it is not clear whether parts of these imports are destined for re-selling to other countries.
- The **most frequently seized species** are reptiles, mammals, flowers and corals. In Germany the trade for reptiles is most important, while in the Netherlands flowers are more often seized.
- Data from the **EU-TWIX database** provides a good overview on the trade routes of goods but their usefulness for research and enforcement could be further enhanced by reorganising some parts of the data collection:
 - The data on trade routes do not include in most cases the destination of the seized specimens. It is likely that in many cases this information is not available as it is not clear whether the specimens were meant to be sent on or had already reached their countries of destination.
 - The same limitation applies to the labelling of seizures in regard to their destination (transit, import or export). According to the records only a very small proportion of the seizures were for transit or re-exportation, most seizures are recorded as “imports” even though the final destination is not always the country of the seizure. The reason for this is the lack of knowledge of the seizing authorities about the intended final destination of the seized wildlife.
 - Even the indication of the location of the seizure (airports, ports, trade fairs etc.) is incomplete, which is an important limitation of any analysis of the EU-TWIX data.

6.1.2. Legislative frameworks

- Overall, the regulatory framework of the EU to combat wildlife crime appears to be rather robust and fit for purpose. The **main deficiencies** are rather related to **enforcement**.
- All 25 Member States reviewed have a legal framework in place that defines what constitutes legal and illegal trade in wildlife and transposes the EU legislation into national law. The majority of country profiles report that the national legislative framework consists of both **criminal and administrative law** provisions; the only

identifiable exception being Poland where all illegal activities related to CITES are categorized as criminal offences.

- The majority of Member States appear to have **legislation** in place that goes **beyond the EU's wildlife regulation** in some regards (e.g. possession of wildlife products, registration of breeders).
- The level of efforts that Member States have undertaken to assess the effectiveness of the framework they have in place for combating wildlife crime also varies. Several Member States indicate in their CITES reports that they have not yet undertaken such an assessment, while other Member States state that their legislative framework has been assessed to be adequate and problems arise rather from enforcement.
- Overall it is assumed that the recent EU accession to CITES reflects the EU's commitment to play a stronger role in the global fight against wildlife trafficking.

6.1.3. Involvement of organized crime and money laundering in wildlife crime

- **Organised criminal groups (OCGs)** are identified in the literature as participating in and profiting from illegal wildlife trade. They consider it low-risk activity with high profit margins. OCGs operating in illegal wildlife trade are often involved in multiple types of transnational illegal trade with overlaps of wildlife trade specifically with arms and drugs trafficking.
- The empirical research conducted for this study shows a **diverse picture as to the relevance of organised crime** in the context of wildlife crime in the Member States. In various Member States there are no indications that organised crime was heavily involved in wildlife crime. In other Member States the links between organised crime and wildlife crime appear to be stronger.
- However, the **evidence base** on organised environmental crime is in general **not very robust**; so measures to improve it would be desirable. While the literature identifies OCGs as actors in illegal wildlife trade not enough is known about how they operate, the details of the trade routes, or the specific actors involved. More research and a better understanding of the entire supply chain from source to consumption are needed.
- The empirical research conducted for this study has revealed very **little information on money-laundering being a relevant factor** in relation to wildlife crime in the Member States. In the literature there are only some references to money laundering in texts on illegal logging but no empirical studies on money laundering in relation to wildlife crime. This does not mean that there are no such links; however, further efforts would be needed to better understand them.

6.1.4. Global dimension of wildlife crime and relevance to Europe

- According to the literature on the topic, illegal wildlife trade is associated with conflict, insecurity and instability in some source countries. For this reason, illegal trade of wildlife products is increasingly viewed as a **security issue** not only for source countries but also for Europe and the international community.
- Illegal wildlife trade negatively affects legal businesses (e.g. wildlife tourism) and economic development. It is therefore undermining development efforts and in particular is counter-productive to European developmental and environmental foreign policy interests and funding efforts.

6.1.5. Enforcement of wildlife regulations in the EU Member States

- **Insufficient and uneven levels of enforcement** of the existing legislation across the EU are a major concern. What is problematic are in particular the varying and often low level of sanctions, a lack of resources, technical skills, awareness and capacity among police forces, prosecutors and judicial authorities, the low priority given to wildlife crime by enforcement institutions and a lack of cooperation between agencies. The distinction between specimens that are captive bred (and can therefore be traded legally) and those caught in the wild is often difficult to make and hampers enforcement.
- The **information** provided by Member States on sanctions **varies significantly**. Only a minority of Member States makes comprehensive information available on the number of criminal proceedings conducted annually. No Member State appears to provide comprehensive information on the sanctions applied in all of these cases.
- There are generally few cases reported where offenders in wildlife-related cases have been sentenced to prison. Equally, the level of fines is often relatively low. There is still a lack of empirically grounded knowledge on what sanctions are effective in which circumstances.
- It is not possible with the information available to offer robust conclusions on the reasons why the number of proceedings and cases reported vary so significantly. Differences could stem from: 1) reporting itself (i.e. some countries simply having better systems for monitoring what happens on enforcement), 2) different levels of enforcement (i.e. more or less cases being detected and prosecuted) or 3) different levels of wildlife crime actually taking place. Yet, the quite significant differences between Member States suggest that factors 1) and 2) appear to at least play a certain role.
- The administrative responsibilities and organisational set-up of the authorities responsible for enforcing wildlife-related administrative and criminal provisions vary widely between Member States.
- There are a variety of forms in which Member States cooperate with other Member States and third countries, e.g. exchange of intelligence or capacity-building. However, the sources reviewed so far do not provide a lot of information on how frequent such cooperation is and whether it is adequate to address cases of wildlife crime that have a trans-boundary component. Some of the interviewees indicated that they found Interpol and Europol especially valuable regarding requests for mutual assistance.
- Only a minority of Member States have a **national action plan** on wildlife crime as recommended by CITES Resolution Conf. 11.3 (Rev. CoP16) and Commission Recommendation of 13 June 2007.
- In relation to implementation and enforcement, the following **challenges** are reported by many or several Member States:
 - **Lack of sufficient staff and monetary resources** within the relevant authorities. This translates into a low number of controls, a lack of willingness to undertake costly enforcement measures and less time available for cooperation and sharing data on the issue.
 - **Lack of specialised knowledge on wildlife crime** in administrative, enforcement and judicial bodies and lack of specialised institutions. This can be attributed to a general lack of priority and resources allocated to

wildlife crime issues as well as a lack of specialised training for law enforcers. It applies to various actors in the enforcement chain – police/customs, prosecutors and judges – to different degrees in the different Member States.

- **Low level of sanctions applied**, with the level of sanction not reflecting adequately the market and conservation value of seized and confiscated specimens. This is probably attributable to a sense among enforcement institutions that wildlife crime is not severe enough to warrant more severe sanctions.
- **Non-use of criminal sanctions** and preference for administrative sanctions: One important problem why charges do not result in criminal sanctions is the high rate of dismissal and acquittals because of insufficient evidence. Other reasons identified for individual Member States are that courts are reluctant to impose criminal sanctions that they consider out of proportion with the severity of the offence, and the preference of enforcement institutions for the use of administrative law on the grounds that the money received as an administrative fine goes to the local authority dealing with the case, which is not the same in criminal proceedings.

6.1.6. Added value of an EU Action Plan

- In view of the enforcement deficits widely associated with wildlife crime, an **EU Action Plan** appears to be a promising initiative. In particular, the added value of the option preferred by the Commission in its roadmap on the EU Action Plan, compared to Commission Recommendation 2007/425/EC, would consist in a **more comprehensive approach** including not only enforcement but also prevention and a global partnership. Whether there is an added value in including legislative amendments on sanctions depends on the conclusions and recommendations of this study on sanctions (see Chapter 6.2.10 below). The potential added value of an EU Action Plan is also acknowledged by interviewees from selected Member States and participants in the EU Commission's consultation process.

6.2. Recommendations

6.2.1. Priority setting

- Generally, higher priority should be given to the fight against wildlife crime on the political level as well as on the enforcement side; without prioritising wildlife crime, insufficient resources will be spent on the fight against wildlife crime. On the political level, **the EU** should use both its power of agenda setting in order to encourage Member States to prioritise wildlife crime and include wildlife crime on the agenda of high level political dialogues with key countries outside the EU.
- **Member States** should encourage their authorities throughout the enforcement chain to give higher priority to combating wildlife crime, which could be achieved by providing more **resources and specialisation** as well as capacity-building and awareness raising measures (see the corresponding recommendations below).
- Another aspect of priority setting is to use a targeted enforcement strategy in combating wildlife crime in order to make the best use of scarce resources, in particular by using **risk-based targeted controls**.

6.2.2. Awareness raising and capacity building

- Generally, awareness of the seriousness and the impact of wildlife crime should be raised at all levels, including all parts of the enforcement chain and key stakeholders. Capacity-building contributes both to raising awareness and to enable people to better combat environmental crime. Better data (see below) could also lead to raising awareness. Among policy-makers, awareness should be raised that wildlife crime does not only concern poaching in Africa and iconic species such as elephants and rhinos but also many other animals and plants.
- Training and other awareness-raising activities should be increased in **Member States** for the whole enforcement chain and for consumers as far as awareness-raising is concerned; Member States should also provide sufficient (technical) equipment and other resources for the whole enforcement chain, i.e. sufficient means for controls. **The EU** should provide funding for awareness-raising and for the support of **networks** and organisations engaging in it.
- **The EU** should support awareness-raising and capacity-building activities in developing countries. For example, information about the lack of scientific evidence on the effectiveness of traditional medicines involving wildlife ingredients such as rhino horn should be disseminated in developing countries and among migrant communities in the EU (cf. Maher et al. 2014).

6.2.3. Demand reduction

- Generally, demand reduction efforts are necessary for the prevention of wildlife crime and should therefore be supported and where necessary increased.
- **The EU** should evaluate current instruments and tools to reduce European consumer demand for wildlife species and products and explore whether additional measures are necessary. In particular, successful strategies to reduce consumer demand across the EU for health and beauty products, luxury food and pets linked to the international wildlife trade should be identified (Sollund & Maher 2015). Member States should do the same at the national level. Both levels should coordinate their efforts with each other.
- **The EU** should encourage and support demand reduction activities in key consumer countries for illegal wildlife products (WCS 2015).
- As European countries seem to be still very important consumers and importers of **pets**, especially of reptiles and birds, additional measures should be considered to raise awareness and increase the pressure on the market participants to ensure that animals are legally traded. In particular, the further recommendations of the ENDCAP report 'Wild Pets in the European Union' (ENDCAP 2012) should be considered, including the recommendations on enhancing **animal welfare**.

6.2.4. Specialisation

- Generally, specialist knowledge is needed to cope with the complexity of wildlife crime and to combat it effectively and efficiently.
- **Member States** should provide for specialist staff through capacity-building measures (in particular training) and where appropriate specialised enforcement institutions or units (e.g. technical units), at all levels of the enforcement chain (police, prosecution authorities, courts). Existing specialised units in the UK

(National Wildlife Crime Unit within the UK police force) and Spain (Environmental Spanish Police, SEPRONA) are examples that other Member States might learn from.

- **The EU** should highlight the need of specialisation (e.g. in recommendations given to the MS) in order to effectively enforce the EU legal frameworks on wildlife crime including legislation to implement CITES.
- **The EU** may consider the establishment of a wildlife crime unit at Europol as proposed in the 2014 Resolution of the European Parliament, or elsewhere. However, such a step or similar initiatives would need to be accompanied by a commitment and sufficient resources to make wildlife crime a priority at the relevant institution, which is not the case at Europol as of now²¹⁴.

6.2.5. Cooperation

- Generally, cooperation and coordination between institutions and other actors combating wildlife crime should be strengthened at all levels (national, EU, international), including customs cooperation. This also means that resources for such cooperation need to be made available.
- **Member States** should involve Eurojust and Europol more frequently and early to coordinate and thus strengthen investigations and prosecutions in cross-border cases, and to make more use of Joint Investigation Teams (JITs).
- **The EU** should support cooperation and coordination by providing funding to key actors such as wildlife enforcement networks, the International Consortium for Combating Wildlife Crime (**ICWC**) or Eurojust in general or for specific tasks (e.g. financing JITs).

6.2.6. Data recording and access to data

- Generally, combating wildlife crime effectively requires that sufficient data are available to be able to target controls and improve the regulatory framework where appropriate.
- **Member States** should improve their recording practices by establishing **centralised databases** on cases of wildlife crimes as well as sanctions and streamline recording procedures (Maher et al. 2014; WCS 2015).
- **The EU** should stimulate improved data collection and exchange between Member States and with EU institutions, while having due regard to the requirement of data protection.
- Concerning in particular the **EU-TWIX database**, participating countries should be encouraged to improve their recording practice in a way that allows a deeper understanding of the trade routes and hence facilitates enforcement:
 - It should be taken into consideration whether the seizing authorities should record the existing information or suspicion on the destination (like nationality of the owner or travel record of the owner). Although this information would not be certain and could not be used in court cases it would increase the knowledge on trade routes and trade networks over time. Even though such estimates can be wrong in some single cases the informed estimate of the competent staff handling the seizures will provide a good overview over time.

²¹⁴ Interview of 12 August 2015 with Werner Gowitzke, MSc, Seconded National Expert (SNE), Europol O28, Environmental Crime

- Also concerning the recording of seizures in regard to their destination (transit, import or export), asking authorities to record such less certain information would help to understand trade routes.
- **The EU** may consider measures to either encourage or oblige Member States to monitor and record data on their enforcement efforts, as partially already done in the CITES reports. Ideally, this should also include assessments by Member States on the effectiveness of their enforcement efforts in relation to wildlife crime.
- The growing importance of the **internet trade** should be taken into account, e.g. by developing EU **guidelines to the private sector** active in this area (European Commission 2014a) or by taking a consistent and collective approach to **monitoring the internet** (cf. for example Maher et al. 2014).
- Access to data on wildlife crime, in particular concerning the EU-TWIX database and the WCO CEN database, should be facilitated for research purposes.

6.2.7. Sanctions

- Generally, the level of sanctions should reflect the seriousness of wildlife crime throughout the EU.
- **Member States** should ensure that their sanctions for wildlife crime are `effective, dissuasive, and proportionate´ according to the Environmental Crime Directive 2008/99/EC. Member States should assess whether their toolbox of sanctions includes all necessary measures.
- The benefits of a defined and published **enforcement policy** on wildlife crime should be considered by Member States.
- If **the EU** considers whether harmonisation of sanctions is an adequate instrument to ensure a more level playing field across the EU Member States, this should be done within the broader context of the **Environmental Crime Directive** rather than be restricted to wildlife crime. In the latter context should also be considered how to take into account the seriousness of **organised wildlife crime** (e.g. by adopting harmonised rules on higher sanctions for environmental crime committed as organised crime).

6.2.8. Legislation

- Generally, enforcement of existing legislation should be given priority over new legislative amendments that need to be properly enforced as well; legislative amendments should therefore concentrate on core issues.
- As stated above, harmonisation of sanctions and higher sanctions for organised wildlife crime should be addressed within the broader framework of the Environmental Crime Directive.
- Apart from provisions on sanctions, the EU should consider measures to **curtail activities involving wildlife species protected by laws of their countries of origin (only)**; this may include new legislation, making import, sale, purchase and re-export of specimens, which have been captured, traded or exported in violation of laws in the country of origin a criminal act within the EU²¹⁵.

²¹⁵ It is noted that the American "Lacey Act" provides a simple and realisable model for such an approach.

- **The EU** may consider legislative amendments to address loopholes in their legislative framework, e.g. concerning the problem that traders apparently often pass wild-caught animals as those bred in captivity (cf. for example Humane Society International/Europe 2015).

6.2.9. Research

- Both the **EU and Member States** should provide funding for research on wildlife crime in a smart way, directing research support to fields of high practical importance that are not yet adequately covered.

6.2.10. EU Action Plan

- Generally, the planned EU Action Plan to combat wildlife crime is an opportunity to address most of the issues dealt with in the recommendations mentioned before and to give them practical relevance as part of the Action Plan.
- Moreover, an EU Action Plan would itself contribute to the above-mentioned recommendation to give wildlife crime higher political priority. In addition, giving the EU Action Plan the form of a Communication to the Council according to options 2 and 3 of the Commission's Roadmap in order to ensure high-level political commitment from Member States' governments represented in the Council would further underline the need to give higher political priority to wildlife crime.
- Of the three options indicated in the Commission's Road Map, option 2 is most in line with the recommendations of this study. The wider scope of the recommendations mentioned before speaks against option 1 of the Commission's Roadmap restricting an EU Action Plan to improving enforcement. Of the two remaining options that only differ according to their position on legislation on sanctions, the option without new legislative proposals (option 2) is more in line with the recommendations of the study. This is because the option with new legislative proposals (option 3) is not compatible with the recommendation mentioned before to address harmonisation of sanctions in the broader context of the Environmental Crime Directive, if at all.
- When designing the EU action plan, it has to be taken into account that it will only be as effective as the commitment and resources to back it up (Maher et al. 2014).
- As proposed in the Commission's Roadmap under option 2, the Action Plan should include timelines, benchmarks and monitoring by the Commission.

6.2.11. Specific recommendations to the European Parliament

While the recommendations listed above are addressed at both the EU at large and the Member States, the following recommendations are addressed specifically to the European Parliament, taking into account its area of competence.

- As part of the EU, the European Parliament could consider contributing to giving wildlife crime a higher political priority at EU level and raise awareness about its seriousness and implications also for the EU.
- In particular, the European Parliament could consider to continue its efforts relating to an EU Action Plan with clear timelines and deliverables, and support the Commission's preference in the Roadmap for a Communication to the Council (and the European Parliament) in order to ensure high-level political commitment from Member States' governments represented in the Council.

- The European Parliament could also consider supporting the Commission's preference in the Roadmap to address the question whether sanctions on wildlife crime should be harmonised outside the EU Action Plan in a broader review of the legislation on environmental crime.
- It is recommended that the European Parliament continues to sponsor research projects on wildlife crime, in particular concerning fields of high practical importance that are not yet adequately covered.

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ANNEX: LIST OF INTERVIEWEES

The research team conducted the **explorative interviews** as described in Chapter 1 with the following persons:

- Werner Gowitzke, MSc, Seconded National Expert (SNE), Europol O28, Environmental Crime, 12 August 2015
- Vinciane Sacré, EU-TWIX Manager, Traffic, 17 August 2015

Furthermore, the research team conducted **interviews for the in-depth country studies** with the following persons:

Germany:

- Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015
- Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 05 November 2015

Netherlands:

- Bart Langeveld, responsible for confiscated animals, plants and products, CITES Management Authority (Ministry of Economic Affairs, Rijksdienst voor Ondernemend Nederland), 4 November 2015
- Jaap Reijngoud, wildlife crime enforcement specialist, independent consultant for TRAFFIC, environmental NGO's and public authorities, 9 November 2015
- Daan van Uhm, academic researcher specialised in wildlife crime, Department of Criminology, Law Faculty, Utrecht University, 28 October 2015

Poland:

- Dr. Andrzej Kepel, chair of the State Council for Nature Conservation (CITES Scientific Authority of Poland), chair of PTOPI "Salamandra", a leading conservationist NGO in Poland, 5 November 2015
- Prof. Dr. hab. Wiesław Pływaczewski, chair of Criminology and Criminal Policy Department, Law and Administration Faculty, University of Warmia and Mazury in Olsztyn, 10 November 2015
- Rafał Tusiński, Polish Ministry of Finance – Customs Service, expert in charge of CITES and other non-tariff barriers, 2 November 2015
- Karol Wolnicki, Ministry of Environment, senior specialist at the Department of Forestry and Conservation – CITES Management Authority of Poland, 29 October 2015

Spain:

- Mercedes Nuñez and Antonio Galilea, Spanish Management Authority, 30 October 2015

UK:

- Martin Sims, Chief Inspector, Head of Unit of UK National Wildlife Crime Unit (NWCUC), 30 October 2015.

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