

## EU Action Plan against Wildlife Trafficking

### SUMMARY

On 26 February 2016, the European Commission adopted a communication on the EU Action Plan against Wildlife Trafficking. The action plan is aimed at combatting illegal wildlife trade by improving the implementation of existing legislation and raising awareness about the seriousness of the crime. It is based on three priorities: prevention, better enforcement and closer cooperation worldwide.

In recent years, wildlife trafficking has reached unprecedented levels, and global demand for wildlife and related products has increased. Whereas existing EU-level legislation is considered sufficient to combat illegal wildlife trade, the action plan calls for more stringent law enforcement.

Wildlife trafficking can deplete the populations of certain species heavily, thereby disrupting entire ecosystems. Moreover, it has economic and security implications.

Furthermore, the issue has a European dimension, since the EU is a destination as well as a transfer and source region for wildlife trafficking.

After having called for a blueprint to fight wildlife crime in 2014, the European Parliament is expected to adopt an own-initiative report on the EU action plan in late 2016.

Stakeholders have welcomed the action plan and its main purpose of improving the implementation of existing legislation; in particular, businesses see it as a chance to better protect their legal activities.



A pangolin: the most-trafficked mammal worldwide.

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### Glossary

**Wildlife trafficking:** Illegal trade in wildlife and wildlife products, which often includes poaching and has the potential to cause over-exploitation to the point that the survival of a species is threatened.

**Poaching:** catching and killing of animals on someone else's land without permission.

**Wildlife crime:** any environment-related crime that involves the poaching, capture, collection or processing of animals and plants taken in contravention of national laws, and any subsequent trade in such animals and plants, including their derivatives or products.

## EU Action Plan against Wildlife Trafficking

On 26 February 2016, the Commission published an [EU Action Plan against Wildlife Trafficking](#) covering the 2016-2020 period.

The action plan comprises 32 measures to be taken by EU institutions and/or Member States in order to improve the implementation of existing wildlife regulations, in particular [Council Regulation \(EC\) No 338/97](#), which implements the [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES).<sup>1</sup>

Enforcing EU wildlife trade regulations at Member State level requires their transposition into national law and the adoption of supplementary national legislation. For instance, sanctions for wildlife trafficking remain the prerogative of each Member State.

The action plan is based on three priorities: prevention and addressing the root causes, improving enforcement of existing rules and strengthening cooperation between countries worldwide. Its aim is to provide impetus for better use of the available financial, structural and human resources. The action plan is thus meant to supersede [Commission Recommendation No 2007/425/EC](#) by identifying a set of actions for the enforcement of Regulation 338/97.

**Preventive actions** include awareness-raising measures targeting the demand side; improving communication with commercial sectors trading in wildlife products; and setting further limitations on ivory trade, in particular through an EU-wide export ban on pre-Convention ivory (that is, ivory acquired before CITES entered into force).

**Better enforcement** of existing rules is planned to be achieved through actions such as assessing the shortcomings in the implementation of the wildlife regulations of each Member State (to be accomplished by the Commission); more systematic data

### CITES

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington Convention) is an international agreement between governments, which entered into force in 1975. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. Roughly 5 600 animal species and 30 000 plant species are on the CITES protection list. All EU Member States have ratified the Convention; the EU itself did so in 2015.

CITES is implemented in the EU through the EU wildlife trade regulations, in particular Council Regulation (EC) No 338/97. This regulation goes beyond CITES in many respects, in particular by regulating trade in non-CITES listed species, imposing stricter import restrictions for some species and empowering the EU to suspend imports of species from particular exporting countries.

The next CITES Conference of the Parties (COP 17) will take place from 24 September to 5 October 2016 in Johannesburg. On 26 April, the EU submitted its [proposals](#) for COP 17.

reporting by Member States to the Commission; tackling online wildlife trafficking; and undertaking a review of national legislation.

**Strengthening cooperation** involves, for example, creating specific dialogue structures and incorporating the topic of wildlife trafficking into trade dialogues and high-level meetings with key non-EU countries.

## Background

As reported by the [Commission](#), wildlife trafficking has reached unprecedented levels in recent years: the number of African elephants and rhinos alone has declined dramatically in the last decade due to poaching. According to [estimates](#), illicit ivory trade in 2011 was **three times the volume** of 1998. Since 2010, about 2 500 African rhinos, accounting for **80% of the whole** population of this species, have been poached in South Africa. Worldwide, organised wildlife trafficking is estimated to generate a turnover of €8-20 billion a year.

Illegal wildlife trade can involve live and dead specimens of wild fauna and flora, or parts of products thereof, including skins, medicinal ingredients, tourist souvenirs, timber, fish and other food products.

However, wildlife trade is not intrinsically illegal: trade in specimens and derived products is authorised if the legal restrictions are respected.<sup>2</sup> If monitored and well-regulated, this kind of trade might to some extent even deliver benefits to local communities in regions with otherwise few income opportunities.<sup>3</sup>

According to [CITES](#), high levels of exploitation and trade, together with other factors such as habitat loss, can deplete some plant and animal wildlife populations heavily. Poaching and trade have pushed some of the world's most iconic species, such as Asian and African elephants or rhinos, to the brink of extinction. The impact on biodiversity goes far beyond the removal of a single species from an ecosystem. For instance, a scientific [study](#) shows the important role of African and Asian forest elephants as 'megagardeners', and points to the fact that entire ecosystems depend on these large herbivores. Numerous forest trees rely for their survival on their seeds being eaten, carried over a certain distance and discharged in viable conditions. If the number of key seed dispersers declines, these tropical forest trees and the prospects for forest regeneration are likewise endangered. Another [example](#) is the function that rhinos fulfil in African savannahs by keeping the grass cover short, which is proven to increase plant diversity. The same goes for [top predators](#), such as lions and tigers, whose disappearance from the food chain can cause a cascade of effects down the line. The collateral damage to non-target species can also be intentional: [African vulture populations](#) have declined between 70% and 97% over three decades as a result of ivory poachers deliberately poisoning elephant carcasses to kill the birds and prevent them from drawing attention to the elephant killings.

Among the species threatened by poaching and illegal export are also less well-known animal families such as pangolins, which, according to the [International Union for Conservation of Nature \(IUCN\)](#), have become the most illegally traded wild mammals on earth. The list of species endangered by illegal trade includes reptiles, sharks, tigers, great apes and turtles, tropical timber such as rosewood and mahogany, and other plants such as orchids.

Apart from its detrimental effects on biodiversity, the destruction of wildlife can, according to the [Commission](#), also lead to considerable economic losses, for example in countries that are highly dependent on nature-based tourism for GDP revenue. Legal traders in wildlife products (such as the timber and leather-working industries, breeders, importers and exporters) face unfair competition from illegal traders selling at much lower-than-official market prices. They also suffer reputational damage as a result of getting confused with criminal groups (see section on stakeholders' views). In addition, wildlife trafficking is considered to be a source of financing for operations of [armed militias](#) and possibly terrorist networks.

### Causes of wildlife trafficking

International conservation group [World Wide Fund for Nature](#) (WWF) reports that demand for wildlife and related products has grown exponentially in recent years, largely from east and south-east Asian markets. This demand includes to a large extent products from endangered species, such as elephant ivory,<sup>4</sup> rhino horns used in traditional medicine, tiger bones and skins, luxury woods and reptile skins.

According to a [CITES](#) document, there is evidence of a close link between regions experiencing insecure livelihoods and poaching. The data used<sup>5</sup> also suggest that improving the well-being of local communities lowers their incentives for engaging in elephant poaching. UK-based non-governmental organisation [Environmental Investigation Agency](#) says that criminal groups find wildlife poaching and trafficking attractive because they bring in high profits, while at the same time there is a low risk of detection and relatively low penalties, due to a lack of effective enforcement. Moreover, increasing use of internet platforms and services facilitates global sales.

**Tackling illegal wildlife trade** was the theme of this year's [World Environment Day](#) (5 June), organised by the United Nations Environment Programme (UNEP).

### Wildlife trafficking as an EU concern

According to the Commission's action plan, Europe remains a **destination market** as well as a **transfer region** and to some extent also a **source region** for wildlife trafficking.

A [study](#) commissioned by the European Parliament reveals that Europe is an important destination market for illegally traded exotic pets, with a high demand in particular for rare live birds and reptiles. Furthermore, the European market plays an important role as a trade hub for African mammals before their onward transit to Asia. Among the species that are illegally traded from within the EU is the European eel (*Anguilla anguilla*), now classified on the IUCN Red List as 'critically endangered'. Indicators show that its population has fallen by 90% since the 1960s-1970s.<sup>6</sup> The 2010 ban on trade in European eel in and out of the EU has been extended until the end of 2016.<sup>7</sup>

Among the possible sources of illegally traded wildlife goods are also European museums, auction houses, antique shops and botanical gardens and zoos, where cases of theft have occurred, for instance of rhino horns.

### Legislation and enforcement

[Council Regulation \(EC\) No 338/97](#) implementing CITES (see box above) contains provisions for internal EU trade in endangered species and related products as well as their import, export and re-export into or from the EU. The regulation defines the procedures and documents, such as permits and certificates, required for undertaking legal trade in these species. Its annexes contain four lists of species, classified according

to their conservation status.<sup>8</sup> These correspond largely to the CITES Convention lists. In general, the species on the Annex A list are subject to an import/export ban. Trade in species listed in the other annexes is restricted and subject to close controls.

The above-mentioned study commissioned by the Parliament concludes, on the basis of EU-wide information, that implementation and enforcement of EU wildlife trade regulations are insufficient and differ considerably between Member States. The authors point to a general lack of controls and enforcement measures, and to sanctions often being too lenient compared to the seriousness of the crimes committed.<sup>9</sup>

Moreover, the [Commission](#) says that the divergent levels of law enforcement provide loopholes enabling criminals to abuse the system by, for instance, diverting their trade routes to the Member State with the lowest penalties and/or weakest controls as an entry point to the European market.

As stated in a [study](#) by the University of Kent, because of poor enforcement of the laws protecting online trade in wildlife, illegal traders in rare species apparently do not feel they are threatened by openly offering their commodities on the internet, without resorting to hidden platforms like the darknet.

As possible reasons why wildlife trafficking as a crime attracts relatively little attention, the Commission and the study mention, among other things, a generally low level of awareness and expertise; under-staffing, inadequate financial and technical resources within the competent authorities; as well as a lack of coordination within and among Member States. It is often difficult to distinguish between legal and illegal action, as possession of a specimen itself might not be illegal, but only the way it was obtained.

### European Parliament

In its [resolution](#) of 15 January 2014, Parliament called for an EU action plan against wildlife crime and trafficking, including clear deliverables and timelines. It insisted on strengthening the judiciary in the EU so that wildlife criminals receive penalties that match the seriousness of the crime. Furthermore, Parliament called for harmonisation of law enforcement in order to avoid, for example, that Member States with the lowest penalties are used as a preferred entry point. Parliament also proposed that a specialised Wildlife Crime Unit be established within Europol and provided with adequate transnational powers, human resources and funding.

Parliament is expected to adopt a position on the Commission action plan through [an own-initiative report](#) (rapporteur: Catherine Bearder, ALDE, United Kingdom) currently being prepared by the Committee on the Environment, Public Health and Food Safety (ENVI).

### Stakeholders' views

A broad variety of stakeholders, ranging from hunters' associations, the timber industry, pet-trade associations and auction houses to organisations representing musicians and musical-instrument makers, is potentially affected by the rules on wildlife trade. In the Commission's 2014 [stakeholder consultation](#) on the EU approach against wildlife trafficking, respondents rated the regulatory framework as being generally adequate, but criticised its patchy implementation and enforcement. According to the Commission, a majority of stakeholders supported an EU action plan.

The European hunters' association, [FACE](#), commented on the proposed action plan by pointing out that wildlife trafficking affects hunting negatively, because it results in the loss of wildlife on the one hand and damages the reputation of law-abiding hunters on the other hand. The organisation claims that hunters originating in EU Member States play a significant role in raising money to fund wildlife conservation programmes worldwide by paying for licences, services and fees. According to FACE, hunting is often the only incentive for local communities in remote and poor areas to correctly manage revenue-generating wildlife.

In its contribution to the 2014 [stakeholder consultation](#), the British Ornamental Aquatic Trade Association (OATA) backed the Commission's intention to strengthen enforcement of wildlife legislation. Additionally, the organisation pointed out that wildlife trafficking undercuts legal business and expressed its concern over the risk of being confused with criminal groups. OATA also pleaded for proportionate and dissuasive sanctions, insisted on the adoption of laws that are easy for laypersons to understand, and on better communication with the private sector.

In its 2015 feedback to the Commission's roadmap towards an action plan, the [WWF](#) also criticised the uneven and incomplete enforcement of existing EU rules as well as the disproportionately low penalties for wildlife trafficking. The WWF welcomed the Commission's plan, but insisted that additional resources need to be allocated to put the proposals into practice.

## Main references

[Wildlife Crime. Study for the ENVI Committee](#), Ecologic institute et al., 2016.

[Commission Staff Working Document: Analysis and Evidence in support of the EU Action Plan against Wildlife Trafficking](#), European Commission, 2016.

[The EU Approach to Combat Wildlife Trafficking. Steps leading to the Action Plan](#), European Commission, 2016.

[The European Union and Trade in Wild Fauna and Flora](#), European Commission, 2016.

[European Parliament resolution of 15 January 2014 on wildlife crime.](#)

## Endnotes

<sup>1</sup> Other regulations are Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 and Commission Implementing Regulation (EU) No 792/2012 laying down rules for the design of permits, certificates and other documents. Both regulations have been amended. In addition, a regularly updated Suspensions Regulation is in place to suspend the introduction of particular species from certain countries into the EU. Any changes in the list of species listed in the annexes to Council Regulation (EC) No 338/97 are made through a Commission regulation. The most recent version of the annexes is Commission Regulation (EU) No 1320/2014.

<sup>2</sup> According to wildlife protection organisation Pro Wildlife, there is a need to recognise that even endangered species can be traded legally, so long as they are not listed in the CITES appendices or only protected in their country of origin.

<sup>3</sup> Report by wildlife trade monitoring network [TRAFFIC](#).

<sup>4</sup> Data from the Elephant Trade Information System show that China's involvement in this illegal trade has risen from 3% in 1996 to 40% in 2011.

<sup>5</sup> Data available for elephant poaching.

<sup>6</sup> The EU has adopted a specific [Council Regulation \(EC\) No 1100/2007](#) establishing measures for recovering the stock of European eel.

<sup>7</sup> The ban will be re-examined by the Scientific Review Group (SRG) consisting of Member State representatives.

<sup>8</sup> [Commission Regulation \(EU\) No 1320/2014](#) amending Council Regulation (EC) No 338/97 contains the most recent version of these lists.

<sup>9</sup> According to the report, administrative sanctions are usually preferred to criminal sanctions, whereas the Environmental Crime Directive requires making illegal wildlife trade a criminal offence under national law.

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