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REPORT

on EU Common Commercial Policy in the context of wildlife sustainability
imperatives
(2016/2054(INI))

Committee on International Trade

Rapporteur: Emma McClarkin

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on EU Common Commercial Policy in the context of wildlife sustainability imperatives (2016/2054(INI))

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union, in particular Articles 191 and 207 thereof,
- having regard to the Treaty on European Union, in particular Article 21(2) thereof,
- having regard to the Commission communication ‘Trade for All - Towards a more responsible trade and investment policy’ (COM(2015)0497),
- having regard to the EU textual proposal for a trade and sustainable development chapter in the Transatlantic Trade and Investment Partnership (TTIP), in particular Articles 10 to 16 thereof,
- having regard to the outcome of the UN Summit on Sustainable Development of 2015, ‘Transforming Our World: the 2030 Agenda for Sustainable Development’, in particular paragraphs 9 and 33 and goal 15 thereof,
- having regard to the General Agreement on Tariffs and Trade (GATT), in particular Article XX(a) and (g) thereof,
- having regard to the 2016 EU Action Plan against wildlife trafficking (COM(2016)0087) (hereinafter the ‘Action Plan’),
- having regard to the Council conclusions of 20 June 2016 on ‘the EU Action Plan and Wildlife Trafficking’,
- having regard to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein¹, and to European Parliament and Council Directive 2008/99/EC of 19 November 2008 on the protection of the environment through criminal law²,
- having regard to UN General Assembly Resolution 69/314 on ‘Tackling illicit trafficking in wildlife’ and to UN Environment Assembly Resolution 1/3 on ‘Illegal trade in wildlife’,
- having regard to the outcomes of the CITES CoP17 in Johannesburg,
- having regard to the outcomes of the February 2014 London Conference on the Illegal Wildlife Trade and the Kasane review of progress of March 2015,
- having regard to the outcome of the 2016 International Union for Conservation of

¹ OJ L 61, 3.3.1997, p. 1.

² OJ L 328, 6.12.2008, p. 28.

Nature (IUCN) World Conservation Congress in Hawaii,

- having regard to the UN Convention against Transnational Organised Crime,
 - having regard to the Global Wildlife Programme (GWP) of the Global Environment Facility (GEF) of the World Bank,
 - having regard to the 2016 World Wildlife Crime Report of the United Nations Office on Drugs and Crime (UNODC),
 - having regard to the declaration of June 2014 of the Customs Cooperation Council of the World Customs Organisation (WCO) on the illegal wildlife trade,
 - having regard to the declaration made at Buckingham Palace (London) by the United for Wildlife Transport Taskforce (hereinafter the ‘Buckingham Palace Declaration’),
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A8-0012/2017),
- A. whereas the world is facing an unprecedented surge in wildlife trafficking, and concomitant biological crises arise from the continued illegal and unsustainable harvesting and marketing of global fauna and flora;
- B. whereas the uncontrolled and excessive use of wild animal and plant species represents the second most serious threat to their survival in the wild, immediately following the destruction of habitats;
- C. whereas according to estimates, the illegal trade in wild flora and fauna is the fourth most profitable area of criminal activity, with an estimated turnover of as much as EUR 20 billion;
- D. whereas the latest trends indicate the growing involvement of large-scale criminal and organised networks making use of increasingly sophisticated methods;
- E. whereas wildlife trafficking contributes to fuelling conflicts and terrorist networks are suspected of sourcing financing, inter alia, from the illegal wildlife trade, generating significant profits;
- F. whereas the attendant problems of corruption and weak governance structures exacerbate existing vulnerabilities in wildlife trade frameworks;
- G. whereas the European Union is currently a destination market for these species, a hub for transit to other regions, and also an area from which certain species are sourced for illegal trade;
- H. whereas ensuring the engagement of and benefit for rural communities from source countries in wildlife conservation is essential to tackle the root causes of illegal wildlife trafficking;
- I. whereas wildlife cybercrime poses a serious threat to endangered wildlife species,

including elephants, rhinos, pangolins, reptiles, amphibians, birds and giraffes;

- J. whereas trade policy allied to development cooperation can represent a strong motor for economic growth in developing countries;
- K. whereas the increase in illegal trade in numerous species of flora and fauna results in loss of biodiversity and ecosystem destruction, with increasing numbers becoming vulnerable or even extinct;
- L. whereas sustainable wildlife trade can be of crucial importance to certain marginalised communities, which rely on legal frameworks in order to conserve local resources and contribute to poverty reduction;

Trends, principles and general considerations

- 1. Observes with serious disquiet recent increases in wildlife trafficking and wildlife crime, which if not halted and reversed threaten to have serious and permanent consequences as regards preserving biodiversity and environmental sustainability;
- 2. Notes that the EU, as a signatory to numerous global conventions aimed at protection of the environment, has a legal obligation to ensure that its policies and international treaties contribute to that objective;
- 3. Believes that increased economic development stemming from integration into global markets and the use of natural resources for the purposes of sustainable economic development are not mutually exclusive, but rather should be seen as mutually enforcing;
- 4. Strongly supports, therefore, an approach towards wildlife issues that not only upholds the environmental protection objectives of the EU and its trading partners but also allows for the creation of sustainable and legal trade frameworks which strengthen the positive contribution of trade policy to sustainable development;
- 5. Stresses with concern that the EU, alongside the USA, remains a significant destination market and transit route for illicit wildlife products;
- 6. Welcomes the EU Action Plan against Wildlife Trafficking, which will play a crucial role in combating the alarming rise in the highly lucrative illegal trade in wildlife, which destabilises economies and communities that depend on wildlife for their livelihood and threatens the peace and security of fragile regions of EU trade partners by strengthening illicit routes;
- 7. Believes that only an integrated approach to wildlife crime can ultimately be successful in curtailing and eliminating the illegal trade, and that the EU must lead efforts in tackling not only supply-side issues, including development issues on the ground in third countries, but also demand for illegal products in domestic markets, including online platforms;

International institutions and governments

- 8. Recalls that under WTO law, countries are permitted to introduce exceptions to the

general rules of the GATT in Article XX(g) in order to regulate exhaustible natural resources and in Article XX(a) in order to protect public morals; notes that the WTO Appellate Body has broadly interpreted 'exhaustible natural resources' to include living species that may be vulnerable to depletion, and that WTO jurisprudence has specifically highlighted inclusion of species in annexes to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as evidence of their exhaustibility; notes also that the WTO Appellate Body has broadly interpreted 'public morals' to cover concerns regarding the prevention of cruelty to animals;

9. Welcomes the efforts made by the EU within the WTO to reduce harmful fishing subsidies, which can undermine the sustainable management of fisheries and endanger the conservation of species such as turtles, sharks, seabirds and marine mammals;
10. Reiterates its strong commitment to the UN Sustainable Development Goals and to ensuring the ultimate success of Goal 15, which includes a pledge to end poaching and trafficking of protected species of flora and fauna, as well as to combat both supply and demand with regard to trafficked products;
11. Welcomes the ongoing activity of the International Consortium on Combating Wildlife Crime, an initiative involving CITES, Interpol, the UNODC, the World Bank and the WCO;

Customs and online trade

12. Welcomes also the WCO's INAMA project, which seeks to enhance the ability of customs authorities to improve capacity-building in order to fight wildlife crime; calls for the greater participation of customs authorities in enforcement operations aimed at combating the illegal wildlife trade, and for increased awareness-raising activities with the objective of improving the training and functioning of customs authorities;
13. Considers that online wildlife crime poses a serious threat to endangered animals, including elephants, rhinos, amphibians, reptiles and birds, and that governments, companies and non-governmental organisations should work together against this;
14. Considers that the customs dimension of the European Union's Action Plan should be further strengthened, with regard to both cooperation with partner countries and better and more effective implementation within the Union; looks forward, therefore, to the Commission's 2016 review of the implementation and enforcement of the EU's current legal framework, and asks for this review to include an assessment of customs procedures;
15. Calls on the Commission to investigate to what extent EU legislation on wildlife trade is uniformly applied in different Member States by customs officers responsible for controls;
16. Calls on the Commission and the Member States to work on information sharing and capacity building, including specific training, for customs officers;

The role of the private sector and non-governmental organisations

17. Highlights the importance of ensuring the private sector's involvement in the fight against wildlife trafficking, including the engagement of online marketplaces and social media;
18. Welcomes workable solutions that, when integrated into existing supply chain and trade management systems, will allow the private sector to play a role as a true partner to governments and international bodies in ensuring the responsible management of global supply chains; stresses, however, that the common commercial policy should promote corporate social responsibility standards, guiding and supporting the private sector on socially responsible practice; considers that corporate social responsibility standards are of particular importance within transport networks;
19. Welcomes emerging collaborative zero-tolerance approaches between wildlife trade experts and logistics companies; considers that the Commission should reflect on how best to ensure that the relevant legal frameworks can better address risks related to e-commerce and online and offline commercial advertising;
20. Welcomes the role played by non-governmental organisations and civil society not only in the fight against the illegal trade in wild flora and fauna, including awareness-raising, and the reduction in demand both in the EU and on the territory of the third countries in which those wild flora and fauna originate, but also within the domestic advisory groups envisaged under EU free trade agreements to monitor the implementation of the trade and sustainable development provisions;
21. Welcomes the United for Wildlife Transport Taskforce Buckingham Palace Declaration of March 2016, which aims to involve private sector actors in addressing vulnerabilities in transportation and customs procedures which are exploited by traffickers, as well as to improve information sharing along the length of global supply chains and trade routes;
22. Calls on the Commission and the Member States to engage with non-governmental organisations in reducing trafficking, changing consumer behaviour and reducing demand for illegal wildlife products by means of campaigns aimed at raising awareness of issues pertaining to the challenge of combating the illegal wildlife trade, especially in countries where this demand is higher;

EU legal framework and trade agreements

23. Considers that in the existing domestic legal framework the key challenge and priority for EU Member States, at this stage, is implementation of the existing rules; recognises, however, that supplementary provisions taking into account those rules existing in other states should be examined in order to prohibit the making available and placing on the market, transport and acquisition of wildlife that has been illegally harvested or traded in third countries, according to that country's own legal framework; considers that the current legal framework should also be examined in order to better address risks related to e-commerce;
24. Supports the approach that includes in future EU trade agreements provisions aimed at tackling wildlife trafficking;

25. Welcomes the Commission's proposal for a chapter on trade and sustainable development in TTIP, as part of its ongoing commitment to ensure sustainable development; notes that the US has sought in its trade agreements to negotiate standards covering trade in wildlife, including by limiting fishery subsidies; stresses that robust provisions on wildlife protection should be negotiated in all future EU free trade agreements, including provisions and commitments aimed at the proper implementation of agreed Multilateral Environmental Agreements (MEAs) as part of the trade and sustainable development chapters;
26. Welcomes the EU's more ambitious approach on wildlife protection in the trade and sustainable development chapter of the EU-Vietnam Free Trade Agreement, which includes not only commitments regarding the proper implementation and enforcement of MEAs such as CITES, the Convention on Biological Diversity (CBD) and the International Convention for the Regulation of Whaling (ICRW) but also provisions related to trade capacity building, information exchange and awareness raising, and urges the EU and the Member States to guarantee proper implementation of these commitments and provisions; considers that these commitments should be enforceable to ensure effective and continued compliance, including by envisaging an appropriate role for non-governmental and civil society organisations;
27. Supports the approach, as outlined in the Trade for All Strategy, of including anti-corruption provisions in future trade agreements, given the known role that corruption plays in facilitating the illegal wildlife trade, as well as the EU's commitment to implementing trade policies that promote sustainable development, which will help to achieve the global goals agreed as part of the 2030 Agenda for Sustainable Development;

Recommendations

28. Supports an approach to EU trade policy that not only prioritises the issue of combating the illegal wildlife trade but includes in all future agreements provisions aimed at its reduction and ultimate elimination, along with robust and effective complementary measures, with particular regard to training, prevention and the application of sanctions in the field of forest management, health and customs;
29. Underlines that nothing in EU trade policy should prevent the EU or its trading partners from taking decisions that are necessary for the protection of wildlife and natural resources, provided that such measures continue to be in pursuit of legitimate public policy objectives and do not represent arbitrary or unjustifiable discrimination;
30. Believes there is no 'one size fits all' solution to global wildlife sustainability and combating the illegal trade; recalls in this light the need to ensure full flexibility and to share information, data and best practice, in order to facilitate dialogue with a view to enhanced cooperation, bearing in mind the cross-border nature of this type of infringement;
31. Recommends that EU Member States consider policy solutions that would allow for the elimination of all remaining legal loopholes that could facilitate the 'laundering' of illegally sourced wildlife and wildlife products; recommends, further, that exhaustive monitoring be carried out in this connection and that efficient use be made of existing

resources and agencies in order to achieve this objective;

32. Calls for the EU and its Member States to consider a possible ban at European level of trade, export or re-export within and outside the EU of elephant ivory, including 'pre-Convention' ivory, in a manner compliant with WTO law;
33. Demands that sufficient resources are committed for policies and measures designed to meet the EU's objectives in terms of combating the illegal wildlife trade, which includes resources for third countries in terms of capacity-building, in particular for customs procedures, authorities, transparency and good governance;
34. Asks that the Commission and the Member States continue to work with all actors concerned to ensure an integrated approach that not only targets the sources of illegal wildlife and wildlife products but also acts to curtail demand and raise awareness in demand markets;
35. Asks that the Member States and the Commission do more to ensure that the illegal criminal networks and syndicates active in illegal wildlife trade are targeted for disruption, elimination and prosecution, and that the Member States ensure that the punishments and sentences reserved for wildlife crime are both proportionate and dissuasive and in line with commitments, where appropriate, as defined in the UN Convention against Transnational Organised Crime;
36. Calls on the EU to explore, within the scope of the WTO framework, how global trade and environmental regimes can better support each other, especially in the context of ongoing work on strengthening coherence between the WTO and MEAs, as well as in light of the Trade Facilitation Agreement;
37. Considers that further opportunities for cooperation between the WTO and CITES should be explored, in particular in terms of offering technical assistance and capacity building on trade and environment matters to officials from developing countries; asks that the Commission continue to reflect on this as part of the post-Nairobi discussions and future elements that will be considered at the next Ministerial Conference in Buenos Aires in 2017;
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38. Instructs its President to forward this resolution to the Council, the Commission, the Member States, CITES, the United Nations Office on Drugs and Crime, the WCO, the WTO and Interpol.

EXPLANATORY STATEMENT

The world is experiencing an unparalleled surge in the illegal trade in wildlife and wildlife products, which is threatening to overturn decades of hard-won conservation gains. Indeed, the illegal trafficking of wildlife and wildlife products has become one of the most profitable criminal activities worldwide, with estimates of its total value lying between EUR 8 and 20 billion annually. The illicit wildlife trade not only has devastating effects on biodiversity, but also has a negative impact on development and the rule of law, given its close links with corruption, which contributes to destabilising security in some at-risk countries.

On 26 February 2016 the European Commission adopted, at the request of the European Parliament, a Communication on the ‘EU Action Plan against Wildlife Trafficking’ (COM (2016)0087). The Action Plan aims to propose a comprehensive blueprint for joined-up efforts to fight wildlife crime inside the EU and for strengthening the EU’s role in the global fight against these illegal activities. The Action Plan makes a number of proposals designed as part of the EU’s response to the United Nations 2030 Agenda for Sustainable Development, and in particular Goal 15, which aims to take urgent action to end poaching and trafficking of protected species and to address both demand for and supply of illegal wildlife products.

In addition, the Commission’s new comprehensive trade strategy ‘Trade for All – Towards a more responsible trade and investment policy’ (COM (2015)0497) puts a reinforced focus on the need for policy coherence and complementarity between the Common Commercial Policy (CCP) and broader foreign and development policies, especially between trade and sustainable development goals such as wildlife conservation. The Commission has requested that the European Parliament undertake a reflection on the best ways to achieve coherence between the Common Commercial Policy, anchored in Article 207 of the Treaty on the Functioning of the European Union, and environmental policy.

The Committee on International Trade has, by way of response, decided to draw up a non-legislative report, the objective of which will be to examine in detail the trade and external customs policy frameworks, which support and implement international commitments already entered into in this area. This report provides a short overview of the challenges faced by the EU and countries worldwide if they are to succeed in reducing, and ultimately eliminating, this unparalleled surge in wildlife trafficking.

New problems associated with increased demand, the expansion of e-commerce, containerisation, private mailing centres, and the involvement of organised criminal networks must be addressed, as should that of ensuring that legal and sustainable trade, which the livelihoods of local communities can often depend upon, is permitted to continue and contribute to sustainable economic development. New and emerging challenges require a determined, integrated approach, and EU trade, customs, law enforcement and development policies must continue to play their part.

In view of these challenges, your Rapporteur recommends five key actions.

Firstly, policy makers in the EU and the Member States must ensure that the illegal wildlife trade continues to be a policy priority. Current and future negotiations on trade agreements must look at all possible measures linked to both the legal and the illegal wildlife trade. This

should cover in particular the TTIP, where the EU should regard the higher standards and greater ambition that the US has included in the TPP as a new global benchmark. In addition, the EU's Aid for Trade Programme and the GSP+ should be used more explicitly as a means to further assist in designing and strengthening natural resources management, as well as helping marginalised communities to take advantage of legal sustainable trade.

Secondly, the EU must focus on greater enforcement not only of its own legal frameworks, but also of provisions agreed with third countries, bilaterally, plurilaterally and multilaterally. This includes a focus on implementing and enforcing existing domestic commitments rather than developing new frameworks or changing existing rules. The EU must lead by example, and Member States must work harder not only to ensure that punishments for wildlife crime are commensurate with their degree of seriousness, but also that they are sufficiently dissuasive. Furthermore, the EU should consider what role it could play in terms of demand reduction in countries where there are large markets for illegally traded wildlife and wildlife products.

Thirdly, if international institutions and organisations and global networks are to work better together to ensure mutually beneficial outcomes, more information-sharing concerning the latest developments and trends in wildlife crime are essential. Efforts must be directed at providing for data collection and platforms for sharing information, such as EU-Twix, and ensuring that the role of agencies such as the WCO and UNODC are supported and enhanced. This is particularly important for customs authorities, who are in the front line of efforts to combat wildlife trafficking and who require up-to-date and relevant information in order to locate suspect shipments and isolate trafficking routes.

Fourthly, the EU must step up its efforts to tackle the problem of corruption, which is one of the main enablers of the illegal wildlife trade. In this regard, the Rapporteur welcomes the commitment in the Commission's Trade for All Strategy to negotiate anti-corruption provisions in future FTAs. While the exact nature of such provisions remains subject to negotiation among the EU institutions and with third countries, the Rapporteur considers the recently concluded TPP as again setting a new gold standard that should be favourably examined by European policy-makers.

Finally, the EU must ensure that sufficient funds are allocated to capacity-building measures. The EU should look at delivering support to training in producer countries, not only for customs and crime enforcement authorities, but also for producer associations, cooperatives and social enterprises that allow local communities to take advantage of legal sustainable trade. The role of NGOs and the private sector should also be examined in the light of this objective, given the key role that they will play in assisting governments in achieving their wildlife protection goals.

RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

Date adopted	24.1.2017
Result of final vote	+: 40 -: 0 0: 0
Members present for the final vote	Laima Liucija Andrikienė, Maria Arena, Tiziana Beghin, David Borrelli, David Campbell Bannerman, Salvatore Cicu, Marielle de Sarnez, Santiago Fisas Ayxelà, Christofer Fjellner, Eleonora Forenza, Karoline Graswander-Hainz, Heidi Hautala, Yannick Jadot, Bernd Lange, David Martin, Emmanuel Maurel, Emma McClarkin, Anne-Marie Mineur, Sorin Moisă, Alessia Maria Mosca, Franz Obermayr, Artis Pabriks, Franck Proust, Godelieve Quisthoudt-Rowohl, Inmaculada Rodríguez-Piñero Fernández, Tokia Saïfi, Matteo Salvini, Marietje Schaake, Joachim Schuster, Joachim Starbatty, Adam Szejnfeld, Hannu Takkula, Iuliu Winkler, Jan Zahradil
Substitutes present for the final vote	Eric Andrieu, Bendt Bendtsen, Edouard Ferrand, Seán Kelly, Lola Sánchez Caldentey, Ramon Tremosa i Balcells