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POLICY DEPARTMENT **A**
ECONOMIC AND SCIENTIFIC POLICY

Economic and Monetary Affairs

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Wildlife Crime in Germany

In-depth Analysis for the ENVI Committee



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

Wildlife Crime in Germany

IN-DEPTH ANALYSIS

Abstract

This report on wildlife crime in Germany 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 Germany and the efforts undertaken to combat it. It is based on available documents, mainly CITES biennial reports, and empirical research including interviews.

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LIST OF ABBREVIATIONS

- BfN** *Bundesamt für Naturschutz* (Federal Agency for Nature Conservation)
- BKA** *Bundeskriminalamt* (German Federal Criminal Police Office)
- BMZ** *Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung* (German Federal Ministry for Economic Cooperation and Development)
- CITES** Convention on International Trade in Endangered Species of Wild Fauna and Flora
- DHL** German mail service provider
- LKA** *Landeskriminalamt* (State Criminal Police Office)
- MA** Management authority
- NGO** Non-governmental organisation
- WWF** World-Wide Fund for Nature

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EXECUTIVE SUMMARY

Germany is not a main destination country for high-value illegal wildlife products, most of the seizures concern CITES protected animals and plants transported by tourists as souvenirs. However, Germany appears to be an important transit country for ivory and other illegally traded animal parts from Western and Central Africa with East and South-East Asia (in particular China and Vietnam) as the main region of destination. Moreover, Germany is a destination country, in particular for live animals, certain rare plant species and dietary supplements made from rare plants.

Germany is quite active in promoting the fight against wildlife crime through initiatives, projects, scientific research, conferences and capacity building and training. Germany supports countries of origin of illegal wildlife products and cooperates with destination countries, with German CITES authorities frequently being providers of trainings and capacity building measures at the national as well as European and international level. Also exchanges of intelligence take place on a regular basis. Furthermore internally, Germany is 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 rising.

Despite frequent speculations and indications, money laundering and organised crime do not appear to be a significant problem in Germany, although one reason could be that their connection to wildlife crime is difficult to prove in individual cases.

The cooperation between the various German authorities and institutions as well as with NGOs is reported to function well, formally as well as informally. Problems are mainly of an organisational nature due to the high number of responsible authorities at different levels due to the federal structure of the German political system.

Regarding enforcement, there is a lack of specialised knowledge on wildlife crime in administrative, enforcement and judicial bodies, ultimately attributed to a general lack of prioritisation and resources allocated to wildlife crime issues.

1. INTRODUCTION

This in-depth analysis presents insights on wildlife crime and efforts to combat it in Germany. It was written as part of a larger project for the European Parliament which involved compiling a 'Study on Wildlife Crime'; that study gives an overview of insights into wildlife crime in the EU as well as efforts to combat it (Sina et al 2016); the study also presents conclusions on how to enhance EU and Member State action on wildlife crime. The present in-depth analysis has informed the main study, but contains a more detailed description of the situation in Germany than the main study. In addition to this in-depth analysis, similar analysis has also been prepared on the Netherlands, Poland, Spain and the UK.

The present analysis is based on desk-based research, a limited number of interviews with experts on the topic of wildlife crime as well as the analysis of available data on wildlife crime. Generally, it should be noted that data on wildlife crime (as on other forms of environmental crime) have significant gaps; the data that exist are not necessarily coherent across time or between countries.

The text is structured as follows: Section 2 presents evidence on wildlife crime in Germany. Section 3 presents efforts at addressing wildlife crime, including among others, a description of relevant actors and the legislative framework. Section 4 presents the conclusions on wildlife crime in Germany. General recommendations can be found in the main study on wildlife crime.

2. WILDLIFE CRIME IN GERMANY

KEY FINDINGS

- German customs identifies three types of offenders: tourists, collectors of rare species and professional smugglers.
- Germany is not a main destination country for high-value illegal wildlife products, most of the seizures concern CITES protected animals and plants transported by tourists as souvenirs.
- However, Germany appears to be an important transit country for ivory and other illegally traded animal parts from Western and Central Africa with East and South-East Asia (in particular China and Vietnam) as the region of destination.
- Germany also plays a role as a destination country for live animals for the domestic pet market, especially reptiles, certain rare plant species (cacti, orchids) and dietary supplements made from rare plants.

2.1. Actors, species and trade routes

The German Customs identifies three types of offenders:

- The biggest group are **tourists** who bring endangered animals and plants as souvenirs into the country. Even though each of these incidents is a minor offence, given the number of these offences, the German customs regards them as a type of widespread crime (*Massenkriminalität*).
- The second group of offenders are **collectors of rare species** with no commercial interest (e.g. cactus collectors travelling to Mexico on a regular basis; the customs know the typical travelling routines and therefore are able to regularly confiscate great numbers of protected cactus species and give them to botanical gardens).
- The third group are **professional smugglers** who supply, for example special markets. For this group the life of animals is irrelevant, as rare species are valuable even when they are dead. For the last two groups, the German customs has also identified organised structures with international connections who fake certificates and permits (Bundesministerium für Finanzen 2005).

The majority of seizures concern CITES protected animals and plants which are transported by tourists. Each year there are more than 1 000 seizures where specimens were imported as part of the tourist luggage. The German customs service detected live orchids or cacti, caviar, goods made from manufactured reptile leather, ivory carvings and stony corals, but also obscure souvenirs such as snakes in alcohol. Regarding live animals, tourists mostly transported reptiles, especially tortoises; but also snakes, lizards and parrots have been detected¹.

Regarding more serious cases, between May and July 2013, German customs authorities detected parcels containing 26 kg of ivory, 40 kg of dried seahorses and 480kg pangolin scales. Most parcels had been sent from Nigeria via Germany with the final destination Hong Kong. In cooperation with the Hong Kong customs authorities, German customs prepared 16 controlled deliveries where the parcels were allowed to be delivered under the

¹ CITES Germany Biennial Report 2007/2008, p. 49.

supervision of the authorities to identify and prosecute the recipient. This has led so far to the imprisonment of four people, with investigations still ongoing².

It is reported that the amount of seized pangolin scales has increased significantly, from zero in 2012 to 30 seizures in 2013 with a total weight of 630 kg. Another trend is the illegal trade in elephant toenails, which have been seized in transit flights at Frankfurt Airport coming from Equatorial Guinea and destined for China³.

Another significant trend that has been observed in all CITES reports since 2007 is the trade in ivory. Around 50 % of the seized shipments had been sent from Western and Central African countries with China as the country of destination.

Between March and July 2007 23 shipments of ivory were intercepted by the German customs office at Frankfurt airport. The ivory carvings and tusks were all sent by post from Abidjan (Ivory Coast) destined for Shanghai (China). In April 2007 the customs office at Frankfurt airport also seized 9 postal shipments of ivory carvings from Burundi to different addresses in the USA. Each package contained pieces of jewellery made of ivory; in total 28 pieces⁴. In 2011/12, four shipments were stopped carrying 100 kg of ivory sent from Nigeria via Germany to China. In October 2012 the German customs office at Frankfurt airport detected a parcel which contained around 10 kg of ivory. The package was sent from the Democratic Republic of Congo and destined for Turkey. In order to render the contents unrecognizable the shipment was declared as rosewood and the ivory was coloured reddish⁵. In 2013, German customs detected a parcel from Nigeria with the destination of Hong Kong containing jewellery made of ivory⁶.

Also on a regular basis, parts and derivatives of sea turtles are seized. In most cases such items had been imported by tourists coming back from Southeast Asia or are items made of tortoise shell shipped in postal packages⁷. In October 2008 customs officers at Frankfurt airport checked the luggage of passengers travelling from Brazil into Germany. They were supported by a sniffer dog which was trained in the discovery of specimens of protected species. Customs officers found 40 eggs of sea turtles hidden beneath used cloths and food⁸.

Skins of CITES protected animals and products made from them are regularly seized and confiscated at German border points. These seizures affect specimens which are either destined for Europe or in transit to other Non-EU countries such as Russia and China. The skins are most frequently from spotted cats and wolves. In addition quite regularly skins and products made from strictly protected reptiles have been seized by German customs authorities⁹.

From the description of main seizures in the CITES reports, Germany is not a main destination country for high-value illegal wildlife products; most of the seizures concern CITES protected animals and plants transported by tourists as souvenirs. However, Germany appears to be an **important transit country for ivory** and other illegally traded animal parts from **Western and Central Africa** with **East and South-East Asia** (in particular China and Vietnam) as the region of destination.

The Federal Agency for Nature Conservation (BfN), being the German lead agency for enforcement, confirms that Germany is negligible as a source country of wildlife products,

² CITES Germany Biennial Report 2013/2014, p. 41.

³ CITES Germany Biennial Report 2013/2014, p. 41.

⁴ CITES Germany Biennial Report 2007/2008, p. 48.

⁵ CITES Germany Biennial Report 2011/2012 p. 46.

⁶ CITES Germany Biennial Report 2013/2014, p. 41.

⁷ CITES Germany Biennial Report 2009/2010, p. 50.

⁸ CITES Germany Biennial Report 2007/2008, p. 48.

⁹ CITES Germany Biennial Report 2009/2010, p. 51.

but is an important transit country especially for ivory. Although the big seizures of 500 kg and more do not take place in Germany or anywhere else in Europe as these are shipped as cargo directly from Africa to South-East Asia, **German airports in Frankfurt and Leipzig** (as the main DHL hubs) are **important hubs for airfreight**. One of the reasons is technical, because most of the flight paths from Africa to East and South-East Asia run through Europe¹⁰.

Contrary to the impression received from the CITES reports, the BfN notes that Germany also plays a role as a **destination country**, though not concerning iconic species but rather in **live animals for the domestic pet market**, especially reptiles, certain **rare plant species** (cacti, orchids) and **dietary supplements** made from rare plants¹¹. Equally, the NGO ProWildlife criticises Germany for still being one of the biggest consumers of wildlife products, having a leading role as importer of live animals for the domestic pet market as well as for hunting trophies, caviar and jewelry from corals¹².

One example illustrating the German role in the illegal trade in reptiles is given by TRAFFIC, which reports on the illegal trade of monitor lizards to Germany. The Earless Monitor Lizard is legally protected in Brunei Darussalam, Indonesia and Malaysia, its native range countries. However, it is the only monitor lizard species not protected under CITES. The NGO reports that 'through its research, TRAFFIC detected international trade in Earless Monitor Lizards that has largely been carried out online from 2013 onwards. Specific instances mentioning the species were documented on forums and social networking sites in Japan, the Ukraine, France, Germany and the Czech Republic'¹³. TRAFFIC states that Earless Monitor Lizards were being offered for sale at Europe's largest reptile fair Terraristika which commenced in Germany on 5 July 2014 (Nijman and Stoner 2014).

TRAFFIC reports about a special German connection to the trade in Earless Monitor Lizards. In July 2015, a trader from the US selling the species claimed the animals had been imported from Germany and captive-bred there — presumably to circumvent the US Lacey Act (¹⁴). The traded animals are frequently claimed as being captive-bred, but the countries of origin have not permitted the export of this species, so all parent stock in any breeding facility cannot be legally obtained and by extension all the offspring is illegal as well. According to TRAFFIC, this demonstrates that claims of captive breeding are frequently used as a cover to enable the animals to be traded internationally, which remains unchallenged. TRAFFIC therefore 'urges consumer countries, particularly Germany, to collaborate with the range states to safeguard nationally protected wildlife'¹⁵.

2.2. National Crime statistics

Wildlife crime is not reported separately in the German national crime statistics. However, the police crime statistics provide numbers about environmental crime in general, and

¹⁰ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

¹¹ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

¹² ProWildlife, 25 Jahre Washingtoner Artenschutzübereinkommen - Ein Grund zum Feiern? Bilanz der Stärke und Schwächen der wichtigsten Artenschutzkonvention und ihrer Umsetzung in Deutschland. <http://www.prowildlife.de/PM18/06/01>.

¹³ TRAFFIC, International smuggling threatens Borneo's remarkable "earless" lizard.

<http://www.traffic.org/home/2014/9/8/international-smuggling-threatens-borneos-remarkable-earless.html>.

¹⁴ The Lacey Act is a United States law banning the trafficking in illegally sourced wildlife. It includes a ban on trading wildlife or wildlife products harvested in violation of the law (international or domestic law in the source country) and a requirement for certain products to declare the scientific name, value, quantity and country of origin.

¹⁵ TRAFFIC. "German national arrested in Indonesia on suspicion of smuggling Earless Monitor Lizards", <http://www.traffic.org/home/2015/10/19/german-national-arrested-in-indonesia-on-suspicion-of-smuggl.html>.

specify numbers of offences according to the Nature Conservation Act, the Federal Hunting Act, the Animal Act and the Plant Protection Act, as summarised in table 1.

Table 1: Crime Statistics Germany

Offences/Offence groups	Recorded Cases				Clearance Rate (%)			
	2014	2013	2012	2011	2014	2013	2012	2011
Year	2014	2013	2012	2011	2014	2013	2012	2011
Environmental Crime (total)	33 448	31 388	31 847	33 038	67.4	69.3	68.7	68.8
Of which:								
Offences according to the Nature Conservation Act, Federal Hunting Act, Animal Act, Plant Protection Act	7 238	6 989	7 006	7 040	58.9	58.2	59.2	60.3

Source: 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).

2.3. Inspections

Inspections are carried out by the German federal state authorities¹⁶. The number of inspections per year appears to be relatively stable at around 5 000. However, the data is provided by the federal state authorities and in some CITES reports, data for certain federal states¹⁷ is missing (only in some cases can the missing data be obtained from the website of the Federal Agency for Nature Conservation). This makes comparisons between years difficult e.g. if North-Rhine/Westphalia is missing, which is the biggest federal state with the highest number of inspections. Table 2 displays an overview of the numbers of inspections, including both routine inspections and controls based on information received.

Table 2: Inspections carried out by Germany's federal state authorities

Year	Number of inspections	Missing data for federal states
2007	5 807	Hamburg, Rhineland-Palatinate
2008	5 238	Bavaria, Hamburg, Rhineland-Palatinate, Saxony
2009	5 854	Baden-Württemberg, Saarland
2010	5 913	all included
2011	5 481	all included
2012	5 064	all included
2013	4 060	Berlin and Rhineland-Palatinate
2014	2 781	North-Rhine/Westphalia, Berlin, Rhineland-Palatinate

Source: Authors' compilation of data taken from CITES reports 2007 – 2014.

¹⁶ Federal state authority is referred to as "Landesbehörde" in German.

¹⁷ Federal states are referred to as "Bundesländer" in German.

In the reporting periods 2007/2008 and 2009/2010, in addition to the controls conducted by the federal states, the Federal Agency for Nature Conservation (BfN)¹⁸ also undertook on its own initiative and in its capacity as the CITES management authority a few exemplary inspections. No shortcomings of the facilities were found. For none of the following reporting periods such additional inspections by the BfN are reported¹⁹.

2.4. Seizures and confiscations

The confiscations at major German ports of entry are summarised in the following table 3.

Table 3: Number of confiscations at major German ports of entry

Year	2007	2008	2009	2010	2011	2012	2013	2014
Seizures	1 077	1 085	1 312	1 536	1 240	1 128	1 100	897

Source: Authors' compilation of data taken from CITES reports 2007 – 2014.

The major hub for wildlife trafficking is the international airport in Frankfurt (Main).

To support the detection of wildlife in luggage, Frankfurt Airport started a Wildlife Detector Dog programme in September 2008 with two wildlife detector dogs. Their handlers, two Customs officers, have a lot of practical knowledge and experience (Braun and de Rosa 2012).

However, as IFAW reports, there are several **problems** related to the seizure and confiscation of illegally traded wildlife which severely distort the numbers given. One problem is the **identification of species**, which is difficult even for experts, and even more for customs officials who often are not adequately trained. In addition, the customs authorities often set their **priorities not on wildlife crime**, but rather on goods like cigarettes, alcohol and drugs which are much more lucrative for the state in case of confiscation. It is estimated that only 10 % of illegal imports of wildlife are seized by customs authorities²⁰.

2.5. Administrative and criminal offence proceedings

In addition to charges filed by public prosecutors and courts, the Federal Agency for Nature Conservation is the responsible federal authority to initiate **administrative offence procedures**. Fines of up to EUR 50 000 may be imposed. The annual revenues from such fines of the BfN amount to between EUR 50 000 and EUR 100 000 on average²¹.

However, a case from the reporting period 2009/10 is reported in which two companies were fined EUR 305 000 and EUR 120 000 respectively for unlawfully importing and trading Ramin brushes since 2006. Their behaviour was classified as negligent infringement, because the companies were unaware of the requirement for CITES permits. These fines were higher than the maximum fine set out by law due to the 'absorption of the economic benefit' gained by infringements, which allows the maximum fine to be exceeded²².

Charges filed by prosecutors and judges as well as administrative fines charged by the BfN are listed in Table 4:

¹⁸ Bundesamt für Naturschutz (BfN).

¹⁹ CITES Germany Biennial Report 2007/2008, p. 34-35; CITES Germany Biennial Report 2009/2010, p. 36-37.

²⁰ IFAW, Artenschutz in der Praxis: 90 Prozent der Verstöße bleiben unbemerkt. <http://www.ifaw.org/deutschland/aktuelles/artenschutz-der-praxis>.

²¹ 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.

²² CITES Germany Biennial Report 2009/2010, p. 50

Table 4: Procedures, mainly resulting from seizures by German customs authorities

	2007	2008	2009	2010	2011	2012	2013	2014
Total procedures	1 134	1 134	1 397	1 582	1 291	1 182	1 134	953
Administrative orders imposing a fine	221	130	204	155	128	137	135	93
Orders imposing punishments, sentences	22	11	12	24	8	16	9	2

Source: Authors' compilation of data taken from CITES reports 2007 – 2014.

In addition, proceedings are carried out by the German '*Länder*', i.e. at federal state level, e.g. administrative proceedings by federal state authorities as a result of seizures by *Länder* authorities such as the Police (see table 5):

Table 5: Concluded administrative and criminal proceedings at federal state level

Reporting period	Administrative proceedings		Criminal proceedings		
	Number	Total fines (EUR)	Number	Discontinued	Total fines (EUR)
2007/2008	268	23 430	162	145	18 550
2009/2010	388	40 920	78	55	57 420
2011/2012	217	20 777	125	39	15 742
2013/2014	253	22 925	85	32	21 650

Source: Authors' compilation of data taken from CITES reports 2007 – 2014.

2.6. Organised crime and money laundering

As noted by the BfN, money laundering and organised crime are **not a problem or only a minor one** in Germany²³. The German Federal Criminal Police Office (BKA) indicates that although there are frequently speculations and indications that there is an involvement of organised crime in wildlife crime cases, this is difficult to prove in individual cases. It is, however, noted that in general organised crime and also money laundering do not appear to be a significant problem in Germany in connection with wildlife crime, at least there are no concrete cases known.²⁴

One problem reported in this regard is that there is no agreed legal definition of organised crime, but only working definitions which vary between states. Often cases in which there is suspicion that there is some involvement of organised crime groups are ultimately not dealt with as organised crime. One example given by the BKA was the case of the Rathkeale Rovers, an Irish criminal group that was involved in stealing rhino horn from museums across Europe²⁵. An investigation was initiated between 2011 and 2014 by the Federal State of Baden-Württemberg, commenced by a unit specialised in organised crime, but it was not

²³ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

²⁴ Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 5 November 2015.

²⁵ The case of the Rathkeale Rovers is also reported in more detail in section 4.3. of the main study on organised criminal groups operating in illegal wildlife trade in the EU.

prosecuted as an organised crime. It was generally emphasised that specialised knowledge of structures and methods is of vital importance in the area of organised crime²⁶.

²⁶ Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 5 November 2015.

3. EFFORTS TO COMBAT WILDLIFE CRIME IN GERMANY

KEY FINDINGS

- German nature protection law, although appearing somewhat complicated due to several amendments over the years, is generally regarded as a good legal basis for enforcement.
- Germany is active in the fight against wildlife crime concerning iconic species by supporting countries of origin as well as by cooperating with destination countries like China; domestically, Germany is quite active regarding activities for demand reduction in specific areas, especially reptiles.
- The cooperation between national enforcement authorities is considered good, including a quite well-established informal network of personal relations.
- German authorities are also involved in cooperation with Interpol and Europol, which are considered as the main sources of information and evidence in transnational cases and especially valuable regarding requests for mutual assistance as they speed up the process considerably.
- There is a difference in expertise concerning wildlife crime between customs authorities, which cover the majority of wildlife crime cases and are generally trained appropriately, and the police authorities for which wildlife crime is one of many other crime areas they have to deal with.
- The lack of knowledge on wildlife protection is also a problem in the judicial system. Wildlife protection is not merely a legal question, but also a question of natural science, making it difficult for prosecutors who are not specialised on the topic. There is also a lack of specialised knowledge on wildlife crime in administrative, enforcement and judicial bodies, ultimately attributed to a general lack of resources allocated to wildlife crime issues.

3.1. Authorities responsible for combating wildlife crime

The CITES Management Authority (MA) is the Federal Ministry for Environment, Nature Conservation, Building and Nuclear Safety. The lead agency for enforcement is the **Federal Agency for Nature Conservation (BfN)**, with a special unit responsible for CITES-related enforcement: the division 'Legal Affairs and Enforcement'²⁷.

Several **federal states** have set up central CITES management authorities (namely Lower Saxony, Baden-Württemberg, Berlin, Brandenburg, Bremen, Hamburg, Hesse, Mecklenburg-West Pomerania, Saarland, Saxony-Anhalt and Schleswig-Holstein). In the other five federal states however, the responsibility for the issuance of certificates lies at district (*Kreis*) level, which severely impedes a professional specialisation and the flow of information to other levels of responsibility, up to the EU level. This also is the reason why Germany, in comparison to other EU Member States, has an **extremely high number (235) of local CITES management authorities** (Kaufmann 2009). This leads to problems of information losses, enormous efforts of communication and coordination, loss

²⁷ CITES Germany Biennial Report 2013/2014, p. 10; 13.

of expertise due to staff turnover etc. However, the problem of too many responsible agencies is inherently owed to the German federal system²⁸.

The CITES MA, Customs Criminal Investigations Agency and regional enforcement and management authorities regularly review enforcement within Germany. Several subcommittees specialized in CITES matters have been created under the **national 'Standing Committee on Species and Biotope Conservation'** of the *Bund/Länder* Working group for Nature conservation. These include a CITES timber enforcement committee which evaluates timber markets, including national internet trade, a turtle and tortoise enforcement subcommittee with a remit to identify those species for which controls need to be enhanced and intensified and to organize and handle co-ordinated controls of traders and private reptile keepers. The Standing Committee also agreed in 2013 to establish a working group to develop new methods to strengthen the enforcement of CITES in Germany. Several tools are planned, such as an internet-based forum to exchange information and experience or a working tool for enforcement officers on how to handle criminal cases and especially on how to assess the cases in accordance with international and national laws²⁹.

German CITES authorities have been providers of various capacity building activities, including oral or written advice and guidance, technical assistance and training, and in some cases also financial assistance, to the staff of the Management Authority, Scientific Authority and enforcement authorities as well as traders, NGOs and the public³⁰.

3.2. Legal framework

German nature protection law, although appearing somewhat complicated due to several amendments over the years, is generally regarded as a **good legal basis for enforcement**³¹.

In the CITES report from 2009/10, attachment 1 of part 2 (supplementary questions) provides the full text of the CITES relevant legislation. A report by TRAFFIC, analysing the CITES Biennial Reports (Crook, p. 65), summarises the **German domestic measures that are stricter than the EU legislation**:

- For CITES-listed species stricter domestic measures refer to taking, possession and other restrictions.
- The possession, acquisition, handling and processing of specially protected species (those listed in Annexes A and B to Regulation (EC) No. 338/97 and Annex IV to the Habitats Directive, all European bird species protected under the Birds Directive, endangered native species, and species listed in the Berne Convention) is prohibited. The national marketing of other protected species not covered by the EU Regulations is also banned. Exemptions from the prohibitions on possession and national marketing apply if certain conditions are met. Prohibitions also apply to skins of certain seal pups (species to which Directive 83/129/EEC applies).
- Records must be kept of the acquisition, handling, processing or circulation of animals or plants of specially protected species for commercial purposes (subject to exemptions granted by the competent authority, provided adequate monitoring is ensured by other means).

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

²⁹ CITES Germany Biennial Report 2013/2014, p. 9.

³⁰ CITES Germany Biennial Report 2013/2014, p. 9.

³¹ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

- The keeping of vertebrates (other than those usually only found in trade as captive-bred specimens) of specially protected species must be notified to the competent *Länder* authority.
- The keeping of certain species of indigenous birds of prey is prohibited (subject to limited exceptions). Prohibitions also apply to the keeping, breeding and free flying of certain hybrids of birds of prey (derogations may apply).
- The keeping of wild species in animal parks may in certain circumstances require a permit. Permission may also be required for the keeping of certain dangerous (especially venomous) animal species.
- The keeping of vertebrates belonging to specially protected species is only permitted if the keeper is able to keep them in proper and safe conditions.
- The possession and national marketing of live specimens of certain invasive species, as well as the breeding of those species, is prohibited (subject to limited exemptions).
- Marking obligations apply to mammal, bird and reptile species listed in Annex 6 of the Federal Ordinance on Species Conservation, which includes certain Annex B species. Animals must be marked from the start of keeping.
- The removal and disturbance of all native wild species is prohibited.
- Anyone in possession of live or dead specimens of protected animal or plant species, or of their parts or derivatives, is required to provide evidence of legal acquisition.

3.3. Measures addressing the demand side

The self-assessment of progress on commitments in the London Declaration states that 'since Germany is not a destination country for high-value wildlife products, such as ivory or rhino horn, no specific demand reduction strategies for these commodities are implemented or currently underway at national level'³². However, Germany has been active in the fight against wildlife crime also by supporting countries of origin as well as by cooperating with destination countries like China (see also sections 3.4 and 3.5).

As noted by the BfN, most of the attention is given to iconic species, for which the demand in Germany is indeed very low. However, Germany is quite active regarding **activities for demand reduction in specific areas, especially reptiles**. Examples include websites for tourists with detailed information on import regulations and pictures of protected species; collaboration with providers of internet platforms (by developing keywords, training employees and providing information); assistance of trade fairs and awareness rising³³.

3.4. Efforts made to combat wildlife crime

Germany is quite active in promoting the fight against wildlife crime – The CITES reports list numerous projects, conferences, initiatives etc. that have been issued on German behalf or with German participation. Some examples include³⁴:

- Together with Gabon, Germany hosted a high-level event on 'Poaching and illicit wildlife trafficking – towards joint action by the international community' during the 69th UN General Assembly week. Within the UN Group of Friends on Poaching and

³² "Self Assessment of Progress on Commitments in the London Declaration."

³³ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

³⁴ For more examples, see CITES Germany Biennial Report 2013/2014, p. 21ff.

Illicit Wildlife Trafficking, Germany has been active in drafting a UN General Assembly Resolution on wildlife crime focusing on rhino horn and ivory.

- The German Federal Ministry for Economic Cooperation and Development (BMZ) supports partner countries in Africa and Asia in sustainable natural resource management, biodiversity conservation/protected areas, and combating poaching and the illegal trade in wildlife products. A number of project activities have been commissioned and initiated. German Development Cooperation in the field of biodiversity has the goals of conserving nature and improving local livelihoods. In response to the dramatic increase in poaching, German Development Cooperation has integrated and strengthened anti-poaching measures with broader biodiversity conservation measures.
- The German Federal Agency for Nature Conservation initiated the project 'Determination of age and geographical origin of African elephant ivory' in co-operation with its partners, the WWF Germany, two German universities and the *Conseil International de la Chasse* (CIC).
- The Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety contributed financially to support the African Elephant Summit held in Gaborone, Botswana from 2nd-4th December 2013. The major objective of the summit was to convene a high-level meeting to secure commitment at the highest political level to take urgent measures along the illegal ivory value chain, by African elephant range states, ivory transit states, and states that are the major consumers of ivory, to effectively protect elephants and significantly reduce the illegal trade in ivory.

To enhance effectiveness of CITES implementation at the national level, Germany regards the need for and priority of the following activities as 'medium': increase budget for activities, hiring more staff, development of implementation tools, improvement of national networks, purchase of new technical equipment for monitoring and enforcement and computerisation. For the Scientific Authorities, hiring of more staff and the availability of financial resources is considered an issue³⁵.

For several years, a range of **training and awareness raising activities** have been carried out for enforcement agencies, prosecution services and the judiciary. These included seminars for local management and enforcement authorities on the systematics of basic legal provisions of international species conservation legislation, seminars on legal matters and identification issues conducted by German customs authorities, and the establishment of a working group to develop training material for local management and enforcement authorities, to be used for the training of beginners. It is also reported that several forthcoming court hearings have been used by the BfN to discuss the current EU Wildlife Trade Regulations with public prosecutors³⁶.

3.5. Cooperation between authorities within Germany

Concerning cooperation on the national level, there are **formalised ways of sharing information** between the agencies. The cooperation between customs and the BfN as well as between the federal state police forces including the respective State Criminal Police Office (*Landeskriminalamt*, LKA), and the Federal Criminal Police Office

³⁵ CITES Germany Biennial Report 2013/2014.

³⁶ CITES Germany Biennial Report 2013/2014, p. 51.

(*Bundeskriminalamt*, BKA) is clearly defined by official instructions and specified reporting channels³⁷.

In addition, there is **informal cooperation** between the federal state 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, 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. Personal contacts are of special importance: There is a quite well-established informal network of personal relations³⁸.

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, the BKA reports a **very good working cooperation between all agencies and institutions** working on wildlife crime³⁹.

Problems with cooperation are mainly of an organisational nature. The topic of wildlife crime is covered in many federal states at 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. Being responsible for wildlife is not very popular and thus the people working on it frequently change⁴⁰.

3.6. Interaction with other states

Cooperation with other countries mainly involves **training and capacity building**, as well as **information exchange** between enforcement authorities, in particular on a personal level⁴¹.

Due to the fact that ivory has been frequently shipped via Germany to Asian destination countries, German customs authorities specifically search for suspicious parcels in transit. Furthermore, controlled deliveries of the illegal ivory shipments in cooperation with the authorities in target countries were started in 2012 and intensified since then. By 2014 three controlled deliveries had been facilitated, which led to the arrest of a number of criminals in Hong Kong in the ensuing investigations.

In addition, representatives from the CITES Management Authority and the Scientific Authority visited China in September 2014 to discuss with the Chinese CITES authorities questions related to the improvement of the cooperation between China and Germany.

Significant preparatory input and cooperation is also provided to the CITES Enforcement Working Group of the European Commission, the Interpol Wildlife Crime Working Group and the WCO Working Group on CITES issues.

Furthermore, capacity building activities have been carried out in cooperation with numerous EU Member States, but also with non EU-members such as Serbia. Also

³⁷ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

³⁸ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

³⁹ Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 5 November 2015.

⁴⁰ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

⁴¹ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

exchanges of intelligence are taking place on a regular basis. These communications mostly deal with illegal trade in protected animals such as tortoises, lizards, snakes and birds (mostly parrots), or timber, especially trade in music instruments⁴². The BKA is strongly involved in **cooperation with Interpol and Europol**, which are considered as the main sources of information and evidence in transnational cases. The BKA is actively involved in Interpol's Wildlife Crime Working Group, in which the cooperation is reported to be good. Interpol and Europol are especially valuable regarding requests for mutual assistance, which are forwarded from Interpol to the BKA and from there to the responsible LKA, which then forward the case to the prosecutor. According to the BKA this increases the speed of the process enormously⁴³.

The cooperation between the BKA and other actors in the field of wildlife crime like NGOs is characterised as good, and there have been various projects initiated during recent years with German participation (see also section 3.4). However, the BKA notes that the **overall conditions can be improved depending on priorities and available resources**⁴⁴.

3.7. Enforcement

The **enforcement procedure** in Germany is as follows: In the case that the customs authority detects an illegal import of wildlife products, the first decision regards the protection status. In case the wildlife product falls under Annex A, customs take over the investigation. In case of a lower protection status than Annex A, there is no suspicion of crime but the case is forwarded to the BfN to pursue under administrative penal law. Only if a criminal offence is suspected is a criminal investigation initiated. However, in case of a suspicion of illegal activities the BfN may instruct the customs authority to start an investigation even without a previous border seizure⁴⁵.

NGOs often criticise that **sanctions for wildlife crimes are too lenient**, which was confirmed by and large by the BfN. The Federal Nature Protection Act (*Bundesnaturschutzgesetz*) sets a maximum penalty of 5 years, but this has never been imposed⁴⁶.

The WWF identifies several **areas with a need for action**, especially concerning enforcement of existing laws in Germany and a lack of specialised knowledge and training of customs officials, judges and prosecutors in wildlife issues. **Recommendations** include the more systematic use of criminal law, improvement of enforcement at the federal state level and at the federal level, more cooperation at the EU level, increase of controls (e.g. by wildlife detector dogs in mail traffic), control of internet fora of reptile traders, a stop of imports in case of doubts about the legality of breeding certificates, training of enforcement authorities (in EU TWIX, trends, prices etc.) and capacity building concerning controls (Homes 2014).

The BfN agrees with most of these points. It has been noted 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 receives less media attention.

⁴² CITES Germany Biennial Report 2013/2014, p. 9.

⁴³ Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 5 November 2015.

⁴⁴ Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 5 November 2015.

⁴⁵ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

⁴⁶ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

The two institutional pillars of the enforcement system are the customs authorities on the one side and the police authorities on the other. The **Customs** is a federal authority with fairly comprehensive experience in dealing with wildlife crime. Customs officials attend basic, legal and detection seminars on a regular basis several times a year (7-9 basic and 5-6 detection seminars per year). The majority of cases in the area of wildlife crime are covered by the customs authorities, which detect around a thousand wildlife cases per year at German airports. The **police**, on the other hand, is organised at the federal state level and therefore has very different priorities. Wildlife crime is one of many crimes the police deals with, and police officers have a basic seminar in environmental crime which covers the whole range of environmental crimes in two weeks, of which wildlife crime is only a small segment; the special seminar in wildlife crime, which used to be held nationwide for a week for a certain number of participants of the basic seminar, was cancelled in 2015 for financial reasons⁴⁷. This explains the **difference in expertise concerning wildlife crime between customs and police authorities**. The lack of knowledge on wildlife protection is also a problem in the judicial system. Wildlife protection is not merely a legal question, but also a question of **natural science**, which makes it difficult for prosecutors that are not specialised on the topic. It is recommended to establish specialised prosecutors on the federal state level which can obtain a deeper understanding of the complex issues of wildlife crime and combat the problem more efficiently⁴⁸.

The BKA is also critical of the **lack of specialised knowledge on wildlife crime in administrative, enforcement and judicial bodies**, ultimately attributed to a **general lack of resources allocated to wildlife crime issues**. Another problem is that offences in this area are often only pursued under administrative penal law, although it would be possible to prosecute the case as a criminal offence. The reason in many cases is that, in contrast to a fine issued under criminal law, money received as an administrative fine goes to the local authority dealing with the case⁴⁹.

Box 1: Best Practice Example – Targeted Controls

From the perspective of the BfN, 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 controls⁵⁰.

3.8. National and EU Action Plan

Currently, there is **no national action plan on wildlife crime** in Germany. There have been considerations as to whether such an action plan would be useful on the national level. However, it has been decided to pursue some measures like targeted controls and

⁴⁷ Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 5 November 2015.

⁴⁸ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

⁴⁹ Interview with Matthias Müller, German Federal Criminal Police Office (Bundeskriminalamt, BKA), 5 November 2015.

⁵⁰ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

capacity building without a distinctive action plan. The experiences with these focused measures are reportedly good, even without a formalised and standardised plan⁵¹.

Regarding the **added value of an EU action plan**, the BfN stated that such a plan could be helpful to **increase and facilitate cooperation** on the EU level and between Member States, since there are so many different agencies, institutions and networks responsible for wildlife issues which have to be better coordinated. The BfN also stated that **targeted controls** should also be promoted at the EU level, including for specific issues that affect a certain group of countries which should meet and cooperate in targeted controls. **Capacity building** is another important issue that has to be promoted at the EU level as well. Capacity building of enforcement bodies and judicial authorities can lead to a more coherent interpretation, implementation and enforcement of regulations⁵².

The BKA adds to this in arguing that such an action plan that draws attention to the topic of wildlife crime could lead to a **higher priority** given to the issue at the EU level, which can also trigger a higher attention at the national level⁵³.

⁵¹ Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

⁵² Interview with Franz Böhmer, German CITES Management Authority (Bundesamt für Naturschutz, BfN), 28 October 2015.

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

4. CONCLUSIONS

The German customs authority identifies three general types of offenders operating in the area of wildlife crime: tourists, collectors of rare species and professional smugglers.

Germany is not a main destination country for high-value illegal wildlife products, most of the seizures concern CITES protected animals and plants transported by tourists as souvenirs. However, Germany appears to be an important transit country for ivory and other illegally traded animal parts from Western and Central Africa with East and South-East Asia (in particular China and Vietnam) as the region of destination.

Germany also plays a role as a destination country for live animals for the domestic pet market, especially reptiles, certain rare plant species (cacti, orchids) and dietary supplements made from rare plants.

The German nature protection law, although appearing somewhat complicated due to several amendments over the years, is generally regarded as a good legal basis for enforcement.

Germany is quite active in promoting the fight against wildlife crime by initiatives, projects, scientific research, conferences and capacity building and training. Germany supports countries of origin of illegal wildlife products and cooperates with destination countries, with German CITES authorities frequently being providers of trainings and capacity building measures at the national as well as European and international level. Also exchanges of intelligence take place on a regular basis. Furthermore internally, Germany is 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 rising.

The cooperation between national enforcement authorities is considered good, including a quite well-established informal network of personal relations. German authorities are also involved in cooperation with Interpol and Europol, which are considered as the main sources of information and evidence in transnational cases and especially valuable regarding requests for mutual assistance as they speed up the process considerably.

There is a difference in expertise concerning wildlife crime between customs authorities, which cover the majority of wildlife crime cases and are generally trained appropriately, and the police authorities for which wildlife crime is one of many other crime areas they have to deal with. The lack of knowledge on wildlife protection is also a problem in the judicial system. Wildlife protection is not merely a legal question, but also a question of natural science, making it difficult for prosecutors who are not specialised on the topic. There is also a lack of specialised knowledge on wildlife crime in administrative, enforcement and judicial bodies, ultimately attributed to a general lack of resources allocated to wildlife crime issues.

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ANNEX

The authors conducted interviews for the in-depth country studies with the following persons:

- 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

NOTES

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