

# **EUROPEAN UNION WILDLIFE TRADE ENFORCEMENT CO-ORDINATION WORKSHOP**

## **Statement and Recommendations**

In recognition of the need for co-ordinated enforcement of the European Union Wildlife Trade Regulations - Council Regulation (EC) No. 338/97 and associated Commission Regulations - to safeguard global biological diversity, enforcement experts, including representatives of the European Commission, the CITES Secretariat, Interpol, the CITES Management Authorities, Customs, Police and Environmental Inspectors from each of the 25 Member States of the European Union, met from 25 – 27 October, at Latimer House, Buckinghamshire, United Kingdom. The workshop resulted in the following statement and recommendations.

**NOTING** that the European Union is one of the main global markets for wildlife and also one of the most complex, being one trading block with one set of comprehensive Regulations and yet 25 different sets of measures and procedures for controlling the trade and enforcing the Regulations;

**ACKNOWLEDGING** that, owing to such high levels of trade in wildlife, it is incumbent upon Member States and the European Commission together with producer countries to ensure that trade is legal and sustainable and that measures adopted and implemented by the EU support conservation in producer countries;

**RECOGNISING** that illegal trade in specimens of species included in the Annexes of the EU Wildlife Trade Regulations causes serious damage to wildlife resources, reduces the effectiveness of wildlife management programmes, undermines legal trade and threatens sustainable development particularly in the developing economies of many producing countries;

**ACKNOWLEDGING** that regulation of international trade requires international co-operation, that enforcement of the EU Wildlife Trade Regulations is fundamental to fulfilling the objectives of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and that this can not be achieved without proactive communication and co-ordinated action amongst the EU Member States and with other CITES Parties;

**NOTING** that it is the responsibility of EU Member States to take appropriate steps to ensure compliance with and enforcement of the EU Wildlife Trade Regulations including the imposition of adequate sanctions for infringements of the EU Wildlife Trade Regulations and, where necessary, to instigate legal action;

**RECOGNISING** the conservation actions and commitments that have already been made with respect to species regulated by CITES through its Resolutions and Decisions;

**AWARE** of the importance of involving relevant governmental, inter-governmental and non-governmental organisations and other stakeholders in these efforts;

**CONVINCED** of the need for increased co-operation amongst EU Member States through the sharing of resources, information and intelligence in order to strengthen enforcement of the EU Regulations; and

**CONSCIOUS** that increased co-operation amongst the EU Member States will also assist enforcement at the global level and support the efforts already taken by the CITES Parties to improve enforcement world-wide through enhanced co-operation and co-ordination;

## **THE PARTICIPANTS OF THE WORKSHOP**

### **CONCLUDE that:**

1. Illegal trafficking into and within the EU of wild fauna and flora is of growing concern and increasingly involves organized criminal networks using sophisticated techniques, and that increased attention must be given by the Member States to illicit trade across EU borders and inside the EU;
2. The lack of recognition by many senior governmental and law enforcement policy and decision makers of the seriousness of illicit trade in wildlife into and within the EU is severely hampering present efforts to combat such criminal activities;
3. Differences in national legislation and in implementation among the EU Member States may facilitate illicit trade and that legislative deficiencies should be identified and addressed by the EU Member States and the European Commission as a matter of priority;
4. Formal and informal channels of communication between authorities at a national and an international level are required to co-ordinate the efforts of enforcement bodies of EU Member States, to ensure efficient actions, to avoid duplication of effort, and to alert relevant agencies of illegal trade operating in other countries. Mechanisms for ensuring co-ordination of national enforcement efforts among all relevant authorities therefore are critical to inform and support the work of the European Union Wildlife Trade Enforcement Group;
5. Many authorities are not suitably resourced or experienced to address illegal wildlife trafficking and this challenge must be addressed through training and equipping professional law enforcement officers and agencies;
6. Awareness among civil society of the wildlife trade regulations and awareness of the negative impact of illicit trade should be enhanced.

### **RECOMMEND that:**

1. Member States which do not yet have procedures for co-ordinating national enforcement among all relevant national authorities including ground-level enforcement staff do so as a matter of priority;
2. Member States appoint national focal points for national and international exchange of wildlife trade information and intelligence and these focal points meet regularly through the Enforcement Group;
3. Ministers, Directors General of Customs, Commissioners of Police and other relevant policy and decision makers be encouraged to allocate a higher priority to the enforcement of CITES, the EU Wildlife Trade Regulations and relevant national legislation;
4. Member States explore innovative means of increasing capacity and improving enforcement, for example through the secondment of experienced wildlife trade enforcement staff to assist the exchange of intelligence and expertise at the national and EU level and to support the Member States' enforcement staff on the ground;
5. Strategic action plans be devised for co-ordination of national enforcement and also for the activities of the EU Enforcement Group. These should have clearly defined objectives, outputs and time-frames, and where possible should be harmonised.
6. The European Commission, as chair of the Enforcement Group, should ensure co-operation with relevant national authorities, WCO, Interpol, Europol, the CITES Secretariat, inter-governmental organisations and other relevant stakeholders to ensure effective implementation and enforcement of the EU Wildlife Trade Regulations;
7. Member States and the European Commission review legislation to ensure consistency in relation to wildlife trade enforcement;

8. Member States of the EU which have low sanctions in their national legislation and Member States where sanctions imposed are significantly lower than existing laws provide for, take steps to ensure that sufficiently high penalties are legislated and encourage their implementation to act as a deterrent against wildlife trade crime.
9. Wildlife law enforcement officials have parity in training, status and authority with their counterparts in Customs and the Police;
10. Member States and, where appropriate, the European Commission, carry out focused national, regional and, where feasible, EU-wide capacity building activities with particular focus on fostering inter-agency co-operation and improving knowledge of legislation; species identification; risk analysis and investigation of criminal actions; where possible such workshops could be convened in Customs and Police facilities;
11. Member States and the European Commission should, whenever appropriate and possible, liaise closely with CITES Management Authorities and law enforcement agencies in consumer, source and transit countries outside the borders of the European Union to help detect, deter and prevent illicit trade in wildlife through the exchange of intelligence, technical advice and support.

**AND recommend the further development, endorsement and implementation of the following draft Action Plan for Combating Illicit Wildlife Trade in the European Union**

*(Draft attached as Annex I with this document).*

## Action Plan for Combating Illicit Wildlife Trade in the European Union, 2006-2010

### Objective 1

**To assist EU Member States in strengthening co-operation and communication within and beyond the EU through:**

- Developing methods of co-operation throughout the EU, taking into account, national, regional and international variations;
- Strengthening the role and work of the EC CITES Enforcement Group through development and implementation of a strategic action plan with clear priorities, objectives and time-frames;
- Exchanging information and intelligence through tools already established or currently in development, and through information systems such as the EU TWIX database and CIRCA, as well as informal means of communication.

Action points	Action to be done by	Time-frame
Identify roles and resources of international agencies / organisations, including Interpol, Europol, Enforcement Group (EG), European Commission, WCO, CITES Secretariat, and NGOs, involved in wildlife trade enforcement at the international level.	Commission & Enforcement Group and Management Authorities	Short
Formulate a 3 to 5 year strategic work plan for the EG including key objectives, priorities, time-frames and mechanisms.	Commission & Enforcement Group	Short
Ensure involvement of ground level staff, through focal points, in preparation for and delivery of outputs at the EG.	Member States	Short - medium
Increase effectiveness of the EG through regular and open exchange of information between meetings.	National Focal Points and Enforcement agencies	Short
Explore the feasibility of conducting joint investigative operations.	Commission & Enforcement Group	Short - medium - long
Explore the feasibility of secondment and exchange of staff to facilitate enforcement at the EU-level.	Member States through established mechanisms such as the Enforcement Group and Management Committee.	Short - medium - long
Further develop sub-groups of the Enforcement Group, where necessary, and identify lead Member States.	Commission and Enforcement Group	Medium
Designate focal points for international exchange of information and intelligence.	Enforcement Agencies and Management Authorities	Short
Commit to contributing to and maintaining the EU TWIX database, CIRCA and other relevant databases (WCO, CITES Secretariat, Interpol, etc), including funding to ensure continuation of EU TWIX.	National enforcement focal point(s); Management Authorities	Short - long

## Objective 2

To assist national enforcement coordination within the EU Member States through:

- Establishing multi-sectoral national structures to coordinate enforcement activities at the national level;
- Appointing national focal points to coordinate communication and exchange of information at the national and international level;
- Developing and endorsing a national strategic action plan with clear terms of reference, objectives and time-frames;

Action points	Action to be done by	Time-frame
Identify stakeholders involved (directly or indirectly) in wildlife trade enforcement at national level and clarify roles ensuring full range of views.	Management Authorities	Short
Identify and designate focal points for different agencies and create a communication network (list of contacts) within each agency.	Management Authorities and Enforcement Agencies	Medium
Develop multi-agency national enforcement teams and meet regularly to co-operate on wildlife trade enforcement with defined protocols.	Management Authorities and Enforcement Agencies	Short
Ensure key ground level enforcers within Police, Customs, Environmental Inspectorates, etc., are engaged in national enforcement initiatives.	Management Authorities and Enforcement Agencies	Short
Form links with NGOs, where appropriate, with clearly defined boundaries and roles.	Management Authorities and Enforcement Agencies	Short - Medium
Establish MoUs between relevant agencies where required and feasible.	Management Authorities and Enforcement Agencies	Medium - Long
Member States with existing structures to contribute documentation of best practice in establishing national co-ordination structures.	UK and other Management Authorities with existing structures & Enforcement Group	Short
Identify or create lead co-ordinating agency(ies) for national enforcement teams	Management Authorities and Enforcement Agencies	Short - medium
Develop a national strategic action plan on wildlife trade crime including targets and roles and feedback mechanisms, for example risk/threat assessment to prioritise enforcement action. Use existing and further develop national threat assessments.	UK and other Management Authorities & Enforcement Agencies & CITES Secretariat	Medium
Raise political support for the need for efficient wildlife trade enforcement and understanding of wildlife trade crimes.	Management Authorities and Enforcement Agencies	Short – long
Identify and encourage specialised prosecutors and judges.	Member States	Medium - long
Raise awareness within the judiciary.	Management Authorities and Enforcement Agencies	Medium
Raise awareness amongst the public and political spheres regarding the link between organised crime and wildlife crime.		Long
Define / agree legislative responsibilities, e.g.: powers of inspection and seizures.	Member States	Short

### Objective 3

#### To increase the capacity and ability of Member States to implement and enforce the EU Wildlife Trade Regulations through:

- Raising awareness of existing resources, tools and channels of communication, and facilitate access for all wildlife trade enforcement agencies;
- Identifying gaps and needs for building capacity and improving information exchange.

<b>Action points</b>	<b>Action to be done by</b>	<b>Time-frame</b>
Identify existing resources, materials, tools and expertise	Member States	Short
Collate list of available resources and expertise	Management Authorities and Enforcement Group	Short - long
Identify capacity building gaps and needs and set priorities for addressing such needs.	Management Authorities and Enforcement Agencies	Short
Establish and circulate directory of focal points as well as other enforcement and expert contacts.	Management Authorities and Commission	Short - medium
Collate information on different practices to implement the EU regulations, such as registration, marking, permitting and share best practices.	Management Authorities and the Commission	Medium
Provide information to national authorities and to the European Commission on existing channels of communication with WCO, Interpol, Europol, CITES Secretariat, etc.	Management Authorities and Enforcement Agencies	Short - medium
Raise awareness amongst trading partners outside of the EU about EU Wildlife Trade Regulations to prevent illegal trade.	Commission and Management Authorities	Medium - long
Engage and support future EU accession candidate countries and the EU's new neighbours in capacity building, making use of TWINNING projects and materials developed for this purpose.	Commission and Member States	short - long
Conduct focused CITES training workshops at national and international, for example regarding legislation.	Member States, the CITES Secretariat, the Commission (int'l) and other relevant bodies	Medium -

## Objective 4

**To ensure the further development of legislation is in place so that Member States are able to effectively implement and enforce the EU Wildlife Trade Regulations through:**

- Review of the EU Wildlife Trade Regulations to ensure harmony with other EU Regulations, such as the Customs Code;
- Review of national legislation to ensure harmony and consistency with the EU Wildlife Regulations;
- Review of national legislation within the Member States of the EU to ensure that deficiencies in one Member State do not negatively impact implementation in other Member States.

Action points	Action to be done by	Time-frame
Reach common understanding regarding the necessity of sufficiently high penalties and ensure proper implementation of Article 16 of (EC) No. 338/97 regarding 'appropriate' sanctions, and exchange examples of best practice.	Member States for best practice.  CITES MA, Enforcement Group, Management Committee; European Commission and the CITES Secretariat.	Long
Review import and export procedures of CITES and Customs implementation (e.g.: electronic / paper systems) with a view to greater integration, where possible. Disseminate examples of best practice.	Management Authority; Customs; European Commission.	Long
Make efforts to simplify procedures, within, for example, CITES and the EU Wildlife Trade Regulations, such as: 1) derogations; 2) trade in consignments arriving in one country when destined for another.	European Commission  Member States	Medium
Examine whether amendments to the EU Wildlife Trade Regulations to ensure better control of internal trade would be appropriate (for example registration and improved methods of marking).	European Commission with input from the Enforcement Group and Management Committee, as well as from the CITES Secretariat.	Long