



## The future of fighting against wildlife trafficking in Europe



14 October 2021, 15:00 – 17:00 CEST

Online Event

Hosted by MEP Eleonora Evi and organized in the framework of SWiPE (Successful Wildlife Crime Prosecution in Europe, LIFE19 GIE/BG/000846)

### Speakers:

- **Katalin Kecse-Nagy**, Programme Office Director – Europe, TRAFFIC
- **MEP Eleonora Evi (Greens/EFA)**
- **Peter Csonka**, Deputy Director, DG JUST, European Commission
- **Matthias Leonhard Maier**, Team Leader for CITES & wildlife trade regulation, DG ENV, European Commission
- Lieutenant-colonel **Christian Tournié**, Deputy to the Head of OCLAESP in charge of European and International Affairs, OCLAESP French Gendarmerie
- **Beate Striebel**, WWF Network Sturgeon Strategy Coordinator
- **Emilie Van der Henst**, Project Manager, TRAFFIC
- **Miguel Godoy**, Major of the Guardia Civil
- **Dr. Colman O Criodain**, Policy Manager, Wildlife Practice, WWF International

## SWiPE Presentation

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*Katalin Kecse-Nagy, Programme Office Director – Europe, TRAFFIC*

***“The aim of the project is to discourage and ultimately reduce wildlife crime by improving compliance with EU environmental law, increasing the number of successfully prosecuted offences.”***

Ms. Katalin Kecse-Nagy started the event by presenting SWiPE (Successful Wildlife Crime Prosecution in Europe), which is an EU-LIFE-founded project. SWiPE is a three-year project that started in September 2020 and takes place in 11 European countries, including also some non-EU countries. The project **was developed because wildlife crime is not treated as a priority compared with other crime areas** and because there is **a lack of comprehensive data on the issue tackling it effectively requires specialized knowledge (including of the complex legal framework), and cooperation between different authorities**. The project aims at **discouraging and ultimately reducing wildlife crime by improving compliance with EU environmental law** and increasing the number of successfully prosecuted offenses. SWiPE activities include **collection of data on wildlife crime and best practices** through a participatory process. **The information**, Ms. Kecse-Nagy explained, **is then analyzed and presented in national reports** and in a **European summary report** – which is planned to be presented at a European conference. The report will identify the scale and commonality of problems arising along the enforcement chain, gaps in current practices, reasons for successful investigated cases leading to prosecution and common issues along the enforcement chain leading to failed prosecution. There are also plans for conducting **capacity building and training** for law enforcement authorities and prosecutors. An online portal has been developed to gather the relevant resources, including the project’s materials. Most importantly, Ms. Kecse-Nagy stressed the importance of **informing relevant policies**. SWiPE is **extremely relevant for the EU Action Plan against Wildlife Trafficking (EU WAP)**, in particular with regards to Objective 2.2, which is to “Increase capacity to combat wildlife trafficking of all parts of the enforcement chain and the judiciary”.

## Welcome Remarks

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*MEP Eleonora Evi (Greens/EFA)*

***“The success of the EU Action Plan against Wildlife Trafficking will depend on the financial and human resources allocated for its implementation.”***

The first point highlighted by MEP Ms. Eleonora Evi was that **wildlife trafficking is one of the main drivers of biodiversity loss. The EU is a market and a critical transit point**, with plants and animals worth billions of euros being internationally traded every year. MEP Ms. Evi explained that the **growing trend for exotic pet keeping** drives the decline of species around the world and increases the likelihood of spillover events. Moreover, she stated that allowing wild animals in circuses facilitates the illicit trade of animals. MEP Ms. Evi flagged how **European wildlife itself is also threatened by illegal taking** from the wild, such as poaching. **The main opportunities to tackle the issues at the EU level are now found in the Commission’s plans to revise and improve the EU WAP** (first published in 2016), the renewed ambitions for the protection of biodiversity, and in other wildlife-relevant policies such as the revised Environmental Crime Directive. The EU must match **its actions with the seriousness of the problem of wildlife trafficking**, which is often overlooked. **The success of the new EU WAP will depend on funding and resources** and MEP Ms. Evi recommended that dedicated budgets be allocated by both the EU institutions and the Member States. The EU WAP should be accompanied by a **comprehensive monitoring and evaluation system**. The Member States, she continued, should be fully committed to implementing the plan within their borders, with the help of specialized and trained agencies. MEP Ms. Evi finally urged to **consider legal wildlife trade as well, some of which should be terminated**. She concluded her intervention by suggesting that the adoption of an EU list of species allowed to be kept as pets and an EU-wide ban on the use of wild animals in circuses can positively contribute to fighting wildlife trafficking.

## Interventions

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*Peter Csonka, Deputy Director, DG JUST, European Commission*

***“The relation between administrative and criminal sanctions is really the crux of the matter. We need to make sure that the same type of sanctions applies more or less throughout the EU in the matter of wildlife crime.”***

To begin with, Mr. Peter Csonka acknowledged that, although some progress has been made by the Commission in fighting wildlife trafficking, **more efforts are needed**. Mr. Csonka reminded that among the 9 offenses in the scope of the Environment Crime Directive, two of them concern taking and trading of wildlife. These provisions - Art. 3(g) and 3(f) – are however limited to non-negligible quantity and impact, he stressed. **All Member States have criminalized wildlife trafficking and set up sanctions**. However, the **sanctions are not regulated in detail** and are applied differently to natural and legal persons. As a result, there are **large differences in sanctioning systems across the Member States**, especially when it comes to applying either civil or criminal liability. The main problem of the Directive, he declared, is that it **is not properly implemented and operated everywhere**. This is because, according to Mr. Csonka, wildlife crime is not prioritized – but it should be. **The Commission plans to revise the Directive and present it at the end of 2021**. Among others, Mr. Csonka informed that the Commission will look at the scope, the offenses and the sanctions. In this regard, **the priority is to make sure that the sanctions are more or less the same in all Member States**. Mr. Csonka emphasized three additional fundamental elements: **the inter-agency cooperation between the Member States; the presence of dedicated resources and trained people; and the cross-border cooperation**, which is nowadays highly neglected. Despite being the fourth most lucrative crime in the world, wildlife trafficking comprises only 1% of the EUROJUST cases. On a final note, Mr. Csonka specified that **the revision is part of a larger set of efforts to protect the environment**, including the DG ENV wildlife trafficking enforcement plan: criminal law should be the last resort, but it has to be effective.

***Matthias Leonhard Maier Team Leader for CITES & wildlife trade regulation, DG ENV, European Commission***

***“We have a clear political commitment to replace the old Action Plan, but what will be in the new one will very much depend on the outcome of the evaluation.”***

Mr. Matthias Leonhard Maier focused his intervention on remarks around the EU WAP and its evaluation. He recalled the three policies priorities of the document, which are: **prevention, implementation and enforcement, and building of global partnership**. He reminded that the policy document is not legally binding but it has benefitted from the political endorsement of the EU Parliament and Council. **The Action Plan does not have an implementation structure but relies on joint implementation** by the Member States, the Commission, and the involvement of other EU and non-EU actors (e.g. Europol, Eurojust, Interpol, UN offices). The EU WAP reached its end in 2020 and the Commission is in the process of the evaluation. The criteria considered are **effectiveness, efficiency, relevance and coherence**. Additionally, Mr. Maier announced that **public consultation** has been launched. The evaluation is complemented by the **revision of the Action Plan**, which is also a commitment under the Biodiversity Strategy for 2030. Mr. Maier mentioned some challenges that the Commission has already identified, including the **need to find necessary resources and establish dedicated funds**. The latter ones were not established in 2016, when the expectation was to see some financial flows from other existing channels. In addition, he flagged how **there are increasingly high expectations towards the issue**, that are driven by considerations on **public health and animal welfare**. Sometimes these objectives point in different directions and this only adds challenges to the already uncertain prospects of resources mobilization.

*Lieutenant-colonel Christian Tournié, Deputy to the Head of OCLAESP in charge of European and International Affairs, OCLAESP French Gendarmerie*

***“We learnt that it is important to reinforce capacity. This means to identify at domestic level who is in charge of investigation and when it is important do use dedicated tools.”***

Lieutenant-Colonel Christian Tournié addressed the relation between EMPACT (European Multidisciplinary Platform Against Criminal Threats) and the topic of wildlife trafficking. **EMPACT is aligned with the EU WAP**, especially with regards to the EMPACT 2018-2021 priority of environmental crime. Since May 2017, when the Council of the EU inserted wildlife trafficking among the priorities under the EU fight against transnational organized crime, EMPACT has been implemented as part of the concrete action. Lieutenant-Colonel Tournié echoed Mr. Csonka on the **urgency to reinforce criminal measures**. During its work, **EMPACT**

**has encountered a lack of clear domestic legislation that permits trans-border investigation.** It is therefore important to **strengthen capacity, identify at the domestic level who is in charge of judicial investigation and when to use specific tools.** He added the need to **educate and support States**, specialized investigators and have national contact points. It is feasible to **reinforce connections between relevant authorities**, which might imply adapting the legal framework, and to build best practices. Lieutenant-Colonel Tournié also mentioned the role of EMPACT in deterring trafficking and underlines how **wildlife trafficking is currently a low-risk/high-profit activity.** With regards to the training provided by EMPACT, it did not involve only prosecutors and judges, but also actors of the civil society. Finally, Lieutenant-Colonel Tournié depicted a positive overview of the outcome of EMPACT and reiterated **how wildlife trafficking is at the heart of the priorities to deter environmental crimes.**

## Evidence for sturgeon trafficking and links to the EU WAP

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*Beate Striebel, WWF Network Sturgeon Strategy Coordinator*

***“Wildlife crime also threatens the survival of species within EU borders. To assess and tackle the impact of wildlife crime on migratory populations, better cooperation of range countries (EU and non-EU) is needed.”***

On the matter of wildlife trafficking, Ms. Beate Striebel provided a case study on the sturgeon in Europe. She started by pointing out that 7 of the 8 **sturgeon species in Europe are currently facing extinction.** The reason behind this trend is **historical overfishing** and only recently **poaching** entered the scene as connected to the decline. This is indeed the finding of the LIFE for Danube Sturgeons project (2016-2020), presented by Ms. Striebel. The project performed **a market survey and compilation of authority seizures in lower Danube countries** that share the same sturgeon populations. The main authority data analyzed included illegal fishing and seizure of illegal fishing gear, with more than 200 cases analyzed and more than 600 specimens affected or lost. In addition, 145 sturgeon meat and caviar samples were analyzed. Most problematically, Ms. Striebel reported that **30% of all samples were found to be sold illegally and 27 samples were from wild-caught sturgeons.** This research has therefore provided evidence on the regional scale for poaching and illegal trade, and how this affects

shared populations. Ms. Striebel summarized the recommendations and how they are in line with the EU WAP. To begin with, it is important to tackle root causes: this means **including rural fishing communities and ensuring that aquaculture complies with CITES regulation**. Implementing existing EU rules, **control should be done along the whole trade chain** and the **highly-threatened sturgeons should be among the target species**. Ms. Striebel also stressed the importance of **inter-agency and cross-country cooperation**, which in the study was found as the main shortcoming, and the related **collection and exchange of data**. Cross-border cooperation and enforcement is especially vital for sturgeon populations that migrate across borders. As a final note, Ms. Striebel emphasized how **wildlife crime threatens species also within EU borders** and how **collaboration between range countries** (also non-EU) **is necessary to assess and tackle the issue**.

## Successes and lessons learnt from the EUWAP implementation

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*Emilie Van der Henst, Project Manager, TRAFFIC*

*"We believe that the next Action Plan should include more systematic use of financial investigation and asset recovery procedures in the field of wildlife crime. These approaches help finding and dismantling criminal networks."*

Ms. Emilie Van der Henst provided the TRAFFIC's perspective from the **EU Wildlife Cybercrime Project** with regards to the **implementation of the EU WAP**. **The aim of the project**, co-led by TRAFFIC and WWF, was **to disrupt criminal networks that were trafficking wildlife** through the internet and postal services. The first success that the project witnessed was **increased political will**; the EU WAP, indeed, was instrumental in elevating wildlife trafficking among the EU priorities and in presenting it more than a matter of conservation: also as a form of serious and organized crime. Yet, prioritization is still too low and she also suggested the establishment of **dedicated budgets at the national and the EU levels for the implementation of the future plan**. Ms. Van der Henst explained how the project translated into actual **law enforcement operations**, by supporting the work of EMPACT, INTERPOL, and the World Customs Organization. What is missing and should be considered, she added, are **measurable law enforcement operation targets**. The **Member States**, in this context, **must translate the**

**EU ambitions into national action plans, supported by a comprehensive Monitoring and Evaluation system to measure progress.** Ms. Van der Henst reiterated the essentiality of **training and specialization**, which should also be extended to the private sector. **For the next EU WAP, she urged to include more systematic use of financial investigation and improve the asset recovery procedures**, which would help dismantle the criminal networks and their leaders. Echoing the already mentioned cooperation, Ms. Van der Henst called for a **multidisciplinary and multi-stakeholder approach**. **The private sector**, such as online platforms, often accidentally provides channels for wildlife traffickers and therefore **must be mobilized to do its share of effort**. According to Ms. Van der Henst, **a legislative framework with clear conditions for online wildlife trade should be put forward** and she referred to the EU Digital Services Act as an opportunity to increase accountability of online platforms. In this regard, the Cybercrime project has helped rolling out the Coalition to End Wildlife Trafficking Online in the EU. As a final point, **raising awareness of EU citizens on EU legislation and promoting behavior change in specific consumers** have seen little progress but are both important in complementing law enforcement.

## SEPRONA's contributions to the EU Action Plan. Present and Future

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*Miguel Godoy, Major of the Guardia Civil*

***"The next version of the EU Action Plan on Wildlife Trafficking should focus more on tackling organized crime. It is compulsory to reinforce criminal investigation capacities."***

Mr. Miguel Godoy presented the **contribution of SEPRONA (The Nature Protection Service unit of the Spanish Guardia Civil) to the EU Action Plan**. Spain has been the first country to translate the EU WAP at the national level (*Plan de Acción Español Contra el Tráfico Ilegal y el Furtivismo Internacional de Especies Silvestres – TIFIES*) and **the Guardia Civil supported the efforts in a joint collaboration**. Mr. Godoy illustrated that TIFIES provided the technical support and equipment, and facilitated the management of specimen seized, the analysis and the training. SEPRONA, from its side, was in charge of developing operations and keeping contact with the Ministry, including supporting the management of training and requesting



the operational needs from it. Since TIFIES came into force in 2018, **the outcome of this synergy has accounted for 974 minor offenses reported, 224 crimes detected and 336 criminals arrested.** Along the lines of what has been suggested by previous speakers, Mr. Godoy also showed how there has been a **positive correlation between training and number of operations.** Additionally, wildlife cases led by Spain in Europol have increased. **SEPRONA also carries on complementary activities,** with EnviCrimeNet, the Jaguar Network EU-Latinamerica, EMPACT EnviCrime, Life+ SATEC, Europol, and Interpol. Looking at future developments, at the national level he underscored that **the interaction between the Ministry of Ecologic Transition and the Guardia Civil-SEPRONA must be reinforced as well as the capacities improved.** Regarding the EU WAP, Mr. Godoy listed as priorities **to reinforce the participation and link between competent authorities at the EU level with criminal investigation agencies** (mainly DG ENVI-Europol-EU agencies), and to **request the Member States to strengthen capacities in specialized units.** Finally, **the next EU WAP should focus more on tackling organized crimes and build criminal investigation capacity.**

## Q&A Session with the audience

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At the beginning of the Q&A, the results of the poll submitted to the audience were presented. When asked **“how would you evaluate the progress by the EU Action Plan against Wildlife Trafficking in the fight against wildlife trafficking?”** the majority of the respondents (73%) answered that **some progress has been made by the Commission but more effort needs to be done.** The first question revolved around the problem of the corruption of African governments and how to implement the Action Plan in Africa. Mr. Maier answered by recalling **the EU development cooperation and funding assistance outside the continent:** on the topic of wildlife, the EU has helped in conservation programs and tried to make the fight against wildlife trafficking one of the priorities. Clarifications were asked regarding the consequences for EU legal and natural persons engaged outside the EU in illegal activities. Mr. Csonka explained that, **according to EU law, such criminals can be prosecuted and their proceeds can be frozen or confiscated.** This, however, is possible only if **transposed national law that allows such procedure exists** and if the **offenders are prosecuted and convicted as EU nationals** in the EU. When asked out the funding for the fight against wildlife trafficking, Mr.

Maier asserted that **the source will likely continue to be polyvalent and it is ultimately a matter of prioritization**, sensitivity, and relevant manpower at the EU level. Mr. Csonka renewed the commitment of the revised Environmental Crime Directive to **make environmental crime a priority**, as well as to **require the Member States to allocate more resources to both enforcement and judiciary**. Answering a question on cybercrime, Ms. Van der Henst stressed how important is that **websites proactively prevent criminals from posting adverts**, such as through automatic detection systems. There are however voluntary commitments from the platforms, therefore **the EU should establish a better framework on what and how can be sold online**.

## Summary Remarks

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*Dr. Colman O Criodain, Policy Manager, Wildlife Practice, WWF International*

***"Member States really are the masters, they vary in their political will and their sentencing practice. Until we achieve more harmonization there, we are always going to be struggling."***

Dr. Colman O Criodain started his closing remarks by stressing that the low number of cases prosecuted is a barrier to achieving success. The most important action step to increase capacity, he continued, is to learn by doing. Furthermore, **it is important to track the financial flows and use the Member States' constitutional powers to the maximum**. He stated that the reasons why **progress has not been made uniformly** include the lack of resources, of good monitoring and evaluation measures, and concrete targets. **Member States are the ultimate masters of law and it is vital to see more harmonization in their measures** to fight wildlife trafficking. Mr. O Criodain reminded all that **wildlife crime is organized crime**. However, many States do not treat it as such and should align wildlife trafficking to what is encompassed for the organized crime under the UN Convention against Transnational Organized Crime.