

Opinion of the European Economic and Social Committee on the ‘Communication from the Commission to the Council and the European Parliament on the EU Approach against Wildlife Trafficking’

COM(2014) 64 final

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Rapporteur: **Antonio Polica**

On 7 March 2014, the European Commission decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, on the:

Communication from the Commission to the Council and the European Parliament on the EU Approach against Wildlife Trafficking

COM(2014) 64 final.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 22 May 2014.

At its 499th plenary session, held on 4 and 5 June 2014 (meeting of 5 June), the European Economic and Social Committee adopted the following opinion by 167 votes to 1 with 2 abstentions.

1. Conclusions and recommendations

1.1 The EESC recognises the recent upsurge in wildlife trafficking as a new threat to the European Union from the economic, environmental and social points of view, and in terms of protecting public health and native animal and plant species. The EESC therefore supports the initiative by the Parliament and the Commission to draw up a holistic and coordinated strategy to tackle this crime more effectively.

1.2 The EESC believes that the starting point for the strategy should be compliance with, and reinforcement and coordination of, existing international agreements (particularly CITES ⁽¹⁾), laws, regulations, policies and enforcement instruments, in the form of closer integration of all the relevant sectors — environmental protection, customs controls, the courts, combating organised crime, etc. — and more effective cooperation between wildlife source, transit and demand countries.

1.3 The Committee is convinced that stronger coordination will prove effective only if backed by an appropriate system of uniform training and awareness-raising targeting all the EU and Member State authorities involved in combating wildlife trafficking.

1.4 The EESC considers the role of civil society in tackling wildlife trafficking to be crucial in both the source and demand countries. The Committee attaches particular importance to the active and informed involvement of consumers and the private sector, supporting the introduction of a labelling and traceability system.

1.5 The Committee believes that third country populations involved in trafficking need to be offered new and better opportunities for sustainable development and employment.

1.6 Wildlife trafficking is growing strongly in view of its profitability and low risk of legal sanctions. In terms of the profit potential for international organised crime, this type of crime is comparable with trafficking in people, arms and drugs; however, it is assigned much lower priority and far fewer resources are committed to combating it. Moreover, the sanctions applied are uneven, even within the EU, which encourages international criminal organisations to move to countries with less severe penalties or where the competent authorities are less effective.

1.7 The EESC would therefore highlight the need to include wildlife trafficking among crimes that are relevant for the purposes of anti-money laundering and anti-corruption measures, and calls for the introduction of genuinely effective, proportionate and dissuasive sanctions such as maximum imprisonment of not less than four years.

⁽¹⁾ Convention on International Trade in Endangered Species (1973).

2. Introduction

2.1 *Background: data on wildlife trafficking*

2.1.1 Trafficking of wildlife is one of the most serious forms of organised crime, together with trafficking in human beings, drugs and weapons ⁽²⁾.

2.1.2 In 2013, poaching increased to such an extent as to cancel out the recovery achieved over the three preceding decades for endangered species such as elephant, tiger and rhinoceros, representing a real threat to biodiversity conservation and sustainable development.

2.1.3 Illegal logging accounts for up to 30 % of global timber trade and for more than 50 % of deforestation in Central Africa, the Amazon and South East Asia, depriving indigenous populations of important opportunities for sustainable development.

2.1.4 Illegal fishing is estimated to account for 19 % of the reported value of catches.

2.1.5 Trafficking is on the rise under the effect of the growing demand for wildlife products, especially in certain Asian countries (e.g. China, Vietnam), such as ivory, rhinoceros horn and tiger bones.

2.1.6 The EU is a major destination for illegal wildlife products ⁽³⁾ as well as a vital hub for trafficking out of Africa, Latin America and Asia.

2.2 *Direct and indirect consequences of wildlife trafficking*

2.2.1 Trafficking in wild flora and fauna is one of the leading causes of loss of biodiversity around the world: each year, hundreds of millions of examples of rare animal and plant species are taken out of their natural environment and sold on the black market.

2.2.2 Illegal logging is leading to the deforestation of the planet's most important forest areas, with loss of biodiversity, an intensification of the greenhouse effect, and conflicts over control of land and resources together with the loss of economic power by indigenous communities.

2.2.3 Illegal fishing impoverishes fish stocks, destroys marine habitats, distorts competition and undermines coastal communities, especially in developing countries.

2.2.4 The risk of wildlife extinction is amplified by other factors such as unsustainable soil use, climate change, over-exploitation of medicinal plants and intensive tourism, especially of the 'predatory' type involving hunting.

2.2.5 There is a danger that globalised consumption will put severe environmental pressure on biodiversity, damaging ecosystems and reducing native species' ability to survive ⁽⁴⁾.

2.2.6 Wildlife trafficking poses a threat to public health and to native animal and plant species. The animal species that pass illegally through the territory of EU Member States are not certified by veterinary services, and this can lead to the spread of diseases, particularly where farmed animal species are concerned. Avoiding proper plant health controls exposes native plant species, both cultivated and wild, to significant risk of contagion from new pathogens. Furthermore, it is estimated that 75 % of emerging infectious diseases are of animal origin, the majority of which originate in wildlife. Illicit wildlife trafficking increases the risk of global epidemics such as avian influenza H5N1 and SARS ⁽⁵⁾.

⁽²⁾ Resolution adopted by the UN Commission on Crime Prevention and Criminal Justice, endorsed by the UN Economic and Social Council.

⁽³⁾ Recent years have also seen an increase in illegal transactions involving certain rare species, including birds, coral, fish and turtles within EU countries.

⁽⁴⁾ In Asia, for example, growing demand for cashmere has triggered an expansion in the raising of domesticated species, closing off increasing amounts of land from the herbivore wildlife (antelope, wild horse, donkey) that provides the basic link in the food chain for local large predators (e.g. wolf or snow leopard). 'Globalization of the Cashmere Market and the Decline of Large Mammals in Central Asia', published in *Conservation Biology*.

⁽⁵⁾ Source: WWF report — http://awsassets.panda.org/downloads/wffightingillicitwildlifetrafficking_lr.pdf

2.3 Legislative references

2.3.1 The 1973 Washington Convention (CITES) governs trade in terms of the export, re-export, import, transit and transshipment or holding for any purpose of certain animal and plant species threatened with extinction. The convention seeks the conservation and sustainable exploitation of animal and plant populations on a global scale.

2.3.2 In its Resolution of 26 April 2013, the UN Commission on Crime Prevention and Criminal Justice defined wildlife trafficking as a serious organised crime committed by organised criminal groups at international level.

2.3.3 The confirmation that some armed groups finance their smuggling activities by wildlife trafficking prompted the UN Secretary-General (Report S/2013/297) and the Security Council (Resolution 2013/2121) to recognise that poaching and trafficking of wildlife are among the factors for instability in sub-Saharan Africa, jeopardising peace and security. Furthermore, in January 2014, the Security Council for the first time adopted targeted sanctions against individuals involved in wildlife trafficking in the Democratic Republic of Congo and the Central African Republic.

2.3.4 In June 2013 the G8 leaders undertook to adopt measures to tackle the illegal trafficking of protected or endangered wildlife species and to offer political and economic support for the regional and international control of borders in order to tackle aspects such as corruption and transnational organised crime.

2.3.5 In its Resolution of 15 January 2014 (2013/2747(INI)), the European Parliament urged the Commission to draw up an EU plan of action aimed at controlling wildlife trafficking, laying down clear timelines and objectives for a strategy to act both within the Member States and at international level.

2.3.6 The February 2014 London Declaration⁽⁶⁾ set new and more ambitious objectives in combating wildlife trafficking, including amending current legislation to categorise poaching and wildlife trafficking as 'serious crimes', renouncing the use of species threatened with extinction, strengthening cross-border cooperation and coordinating wildlife enforcement networks⁽⁷⁾.

2.3.7 The Final Declaration of the EU-Africa summit of 2 and 3 April 2014 set out the intention to undertake common efforts to fight organised crime, including the trafficking of wildlife.

3. Replies to the consultation questions

3.1 *Is the policy and legislative framework currently in place in the EU against wildlife trafficking adequate?*

3.1.1 The EESC considers that the current legislative framework in the EU Member States is not yet capable of effectively tackling environmental crime, in part due to the laxity of existing penalties.

3.2 *Should the EU enhance its approach to wildlife trafficking by developing a new EU Action Plan, as called for by the European Parliament?*

3.2.1 The current international situation points to the need for legislation that is binding on the Member States and introduces uniform criteria for effective inspection and monitoring, in part by means of coordination with specific rules on the protection under criminal law of species in their natural environment.

3.2.2 The EESC advocates adopting an action plan along the lines of those previously adopted to tackle other forms of organised crime such as the trafficking of arms or of human beings.

⁽⁶⁾ Signed by the Heads of State, Ministers and representatives of 46 countries at the Conference on the Illegal Wildlife Trade (12 and 13 February 2014).

⁽⁷⁾ Wildlife enforcement networks are regional intergovernmental initiatives to pool information and best practice on the subject: http://www.cites.org/eng/news/pr/2013/20130307_wen.php

3.3 *How could the EU increase political commitment at all levels against wildlife trafficking? What diplomatic tools would be best suited to ensure coherence between different international initiatives?*

3.3.1 The EESC welcomes the greater diplomatic involvement of countries concerned by wildlife trafficking (mainly of source, transit and market outlet countries), which has prompted the recent signing of joint initiatives to take decisive and urgent action to eradicate the demand and supply of products⁽⁸⁾ obtained from endangered species. The Committee hopes that the international community will take steps that can eliminate the illegal market, ensure the application of a common and secure legislative framework, and promote the sustainable management of natural resources by involving local communities.

3.3.2 The EESC urges the EU to promote a global strategy to combat wildlife trafficking, based on the redefinition of the UN's post-2015 development agenda.

3.4 *What tools at international level should the EU focus on to enhance enforcement against wildlife trafficking and strengthen governance?*

3.4.1 The Committee considers that trafficking could be more effectively monitored, intercepted and controlled at customs posts by means of coordination between the national authorities working with uniform rules, methods and aims. It would be helpful for the EU to promote action designed to facilitate efficient cooperation and sharing of intelligence work between the Member State authorities, with the specific aim of harmonising activities and approaches, not least by providing support for new partner countries (e.g. temporary mentoring).

3.4.2 The new frontier of illegal commerce is however represented by online trading, which is hard to control and could also damage legal forms of trade. The EESC notes with interest a number of best practices, such as the agreement between the Italian forestry corps and the two main online advertising sites ('eBay annunci' and 'Subito.it'), under which more information is included for the benefit of consumers and announcements considered to be suspicious can be swiftly removed. The agreement also provides for announcements to be 'filtered', allowing the publication only of those that ensure the traceability of the object on sale.

3.4.3 International involvement when entering into free trade agreements with third countries must entail calling for compliance with multilateral agreements on the environment and trade in the forestry and fisheries sectors. It is crucial to pursue the CITES objectives regarding trade in wild fauna and flora: under the convention, the parties take practical steps against smuggling and trafficking in certain species threatened with extinction.

3.4.4 The authority of the parties to the ICCWC⁽⁹⁾, including CITES, Interpol, the United Nations Office on Drugs and Crime (UNODC), the World Customs Organisation and the World Bank, can ensure the effectiveness of action intended to enhance capacity to apply legislation and compliance with the provisions of agreements controlling the trade in wildlife. In its work, the consortium should harness high-level professional skills in Europe in order to undertake information campaigns, support national authorities and, just as importantly, train enforcement officials and officers in the field.

3.4.5 The introduction and consolidation of the rule of law in wildlife source countries, combined with anti-corruption measures, is a precondition for eradicating wildlife trafficking. To this end, the EESC advocates direct EU involvement, including in financial terms, to help create a body of prosecutors and judges in tandem with a campaign to raise awareness among local authorities.

⁽⁸⁾ London Declaration of 14 February 2014.

⁽⁹⁾ International Consortium on Combating Wildlife Crime.

3.5 *What tools are most suitable for EU action to address international and EU demand for illegal wildlife products? What role could civil society and the private sector play in this regard?*

3.5.1 Successfully tackling wildlife trafficking depends on twin-track action to reduce supply through strategies to deter and detect fraud, and to reduce demand. The EESC considers the active and informed involvement of the private sector and of consumers to be essential to this end.

3.5.2 The EESC echoes the London Declaration in arguing for the need to introduce specific measures to ensure that the private sector acts responsibly, and calls for a labelling and traceability system to be set up to guarantee that wildlife trade is lawful and sustainable economically and environmentally and from the point of view of local communities. The systems currently established for trade in caviar and tropical wood can be taken as a reference in this regard ⁽¹⁰⁾.

3.5.3 The EESC considers it to be equally important to inform and alert civil society and consumers to the extremely serious environmental damage caused by trafficking and the impact of such damage on future generations. The EESC restates its willingness to promote whatever initiatives the EU may wish to take regarding institutions (such as schools or museums) and through networks, conferences, advertisements or documentaries in and beyond the EU, making use of the EU-Africa network of economic and social players set up at the Committee.

3.6 *How can the EU best add value to address the peace and security implications of wildlife trafficking?*

3.6.1 The EESC believes that special attention should be paid in this connection to specimens of species which, on account of their high value, attract the attention of organised crime, something which threatens internal security and even world peace. In this regard, it must be ensured that appropriate steps are taken at EU and global level through cooperation with Europol, Interpol, other organisations and forums as well as key countries affected by this problem.

3.6.2 The EESC is fully aware that recent global epidemics such as avian influenza H5N1 and SARS are an indirect consequence of wildlife trafficking. The labelling and traceability systems mentioned earlier, together with an appropriate veterinary and plant health control mechanism can help here to counter the emergence and spread of such diseases around the world.

3.7 *How could the EU cooperation instruments better support the reinforcement of the capacities of developing countries for wildlife conservation and action against wildlife trafficking?*

3.7.1 International cooperation initiatives in the broader context of trade and/or partnership agreements with third countries may represent a key instrument for eradicating trafficking.

3.7.2 NGOs can play a vital role in awareness-raising campaigns in support of policies to suppress demand, providing a link between institutions and the populations concerned.

3.7.3 The Committee highlights the need to provide third country populations involved in illegal wildlife trafficking with new and greater opportunities for sustainable development and employment, which could in part be achieved by converting unlawful activities into lawful ones, such as responsible tourism ⁽¹¹⁾.

3.8 *What measures could be taken to improve data on wildlife crime in the EU so as to ensure that policy-making can be more effectively targeted?*

3.8.1 The EESC considers that the collection, compiling and analysis of data on crime (database) by international security bodies (Europol, Interpol and UNODC) could help to provide a better understanding of organised crime strategies and to prevent criminal activity.

⁽¹⁰⁾ CITES includes an universal labelling system for the identification of caviare, which can only be imported after the appropriate permits have been obtained from the relevant authorities (www.cites.org/common/resource/reg_caviar.pdf). Concerning trade in the forestry sector, EU legislation seeks to deter trafficking in tropical wood by supporting the introduction of national traceability systems, strengthening governance in the partner countries. Since March 2013, the EU has prohibited the import of timber and timber products from anywhere in the world if they originate from illegal logging and instructs the Member States' national authorities to monitor and, if necessary, to apply penalties to those trading in timber of questionable origin.

⁽¹¹⁾ The responsible tourism approach entails both conservation of the natural environment of the destination and a focus on maintaining the host population, who must be provided with the means to generate income. Eco-tourism will help many countries to rise out of poverty, many families to survive, and nature and animals to be protected.

3.8.2 TRAFFIC⁽¹²⁾ can play an important role in this regard, building awareness in the international community and supporting the circulation of information on illegal trafficking among all the relevant authorities and stakeholders.

3.9 *What measures could be taken to strengthen enforcement against wildlife trafficking by environmental authorities, police, customs and prosecution services in the Member States and to reinforce cooperation between those authorities? How could awareness of the judiciary be raised?*

3.9.1 Since environmental crime is closely linked to corruption and the movements of money of illicit origin, the Committee points to need to include wildlife trafficking among offences that are relevant for the purposes of anti-money laundering and anti-corruption measures. It therefore advocates applying guidelines explaining how to use the appropriate financial instruments (e.g. due diligence) that seek more effective traceability of transactions within the EU and internationally.

3.9.2 The EESC calls for genuinely effective, proportionate and dissuasive sanctions to be introduced, primarily in order to tackle large-scale trafficking by international criminal organisations. To this end, EU legislation must ensure that wildlife trafficking is included by the Member States among the 'serious crimes' punishable with maximum sanctions of at least four years' imprisonment.

3.9.3 For the EESC it is crucial to raise awareness among all the authorities involved in combating wildlife trafficking, providing appropriate training for enforcement staff and also for competent judicial bodies. This work should tie in with the new coordination procedures between national authorities in the EU, where possible also bringing in third country authorities.

3.10 *How could existing tools against organised crime at EU and Member States level be better used to address wildlife trafficking? What additional measures should be envisaged, e.g. regarding sanctions? What contribution could Europol and Eurojust make in that regard?*

These crimes should become a priority target for Europol, involving strategic coordination with Member State police forces, as indicated by the European Commission, capable of effectively combating the capture, collection, holding, trafficking and sale of protected species of flora and fauna as well as trade and trafficking in parts and products based on them.

Brussels, 5 June 2014.

The President
of the European Economic and Social Committee
Henri MALOSSE

⁽¹²⁾ <http://www.traffic.org/>