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DRAFT REPORT

on EU action plan against wildlife trafficking
(2016/2076(INI))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Catherine Bearder

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on EU action plan against wildlife trafficking (2016/2076(INI))

The European Parliament,

- having regard to the Commission communication entitled ‘The EU Action Plan against Wildlife Trafficking’ (COM (2016)0087),
- having regard to its resolution of 15 January 2014 on wildlife crime¹,
- having regard to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), implemented in the EU through Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, and Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97,
- having regard to Council decision (EU) 2015/451 of 6 March 2015 concerning the accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)²,
- having regard to Council Decision 2008/801/EC of 25 September 2008 on the conclusion, on behalf of the European Community, of the United Nations Convention against Corruption³,
- having regard to the 2000 United Nations Convention against Transnational Organised Crime,
- having regard to the 2016 World Wildlife Crime Report of the United Nations Office on Drugs and Crime (UNODC) entitled,
- having regard to UN General Assembly Resolution 69/314 of 30 July 2015 on tackling illicit trafficking in wildlife,
- having regard to UN Environment Assembly Resolution 2/14 on illegal trade in wildlife and wildlife products’,
- having regard to the 2015-2030 United Nations Sustainable Development Goals (SDGs),
- having regard to the International Consortium on combating Wildlife Crime (ICWC), comprising CITES, Interpol, UNODC, the World Bank and the World Customs Organisation,
- having regard to Regulation (EU) No 995/2010 of the European Parliament and of the

¹ Texts adopted, P7_TA(2014)0031.

² OJ L 75, 19.3.2015, p. 1.

³ OJ L 287, 29.10.2008, p. 1.

Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market¹,

- having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU)²,
 - having regard to Directive 2008/99/EC of 19 November 2008 on the protection of the environment through criminal law³,
 - having regard to Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos⁴,
 - having regard to the study on wildlife crime published by its Policy Department for its Committee on the Environment, Public Health and Food Safety in March 2016,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Development, the Committee on International Trade, the Committee on Fisheries and the Committee on Legal Affairs (A8-0000/2016),
- A. whereas wildlife trafficking is an organised international crime estimated to be worth between EUR 8 and EUR 20 billion annually;
- B. whereas wildlife trafficking has major negative impacts on biodiversity, natural resources and the conservation of species;
- C. whereas wildlife trafficking is a serious and growing threat to global security, political stability, economic development, local livelihoods and the rule of law, and therefore requires a strategic, coordinated EU approach involving all the actors concerned;

General remarks

1. Welcomes the Commission's Action Plan against Wildlife Trafficking, which highlights the need for coordinated actions to address the causes of wildlife trafficking, to implement and enforce existing rules effectively, and to strengthen global cooperation between source, transit and destination countries;
2. Calls for the EU and each Member State to address wildlife crime with the greatest political urgency; highlights the need for comprehensive and coordinated approaches across policy areas including trade, development, foreign affairs, and justice and home affairs;
3. Insists on timely implementation of all elements of the Action Plan; calls on the

¹ OJ L 295, 12.11.2010, p. 23.

² OJ L 286, 29.10.2008, p. 1.

³ OJ L 328, 6.12.2008, p. 28.

⁴ OJ L 94, 9.4.1999, p. 24.

Commission to provide Parliament and the Council with yearly written implementation updates;

4. Calls on the Commission to establish a dedicated Wildlife Trafficking Coordinator's office, mirroring the model used to fight human trafficking, in order to ensure a joined-up effort by different Commission services and the Member States;

Preventing wildlife trafficking and addressing its root causes

5. Calls for awareness-raising campaigns by the EU, third countries, stakeholders and civil society with the aim of reducing the market demand for illegal wildlife products through real and long-term social and behavioural change;
6. Calls on the EU to support initiatives promoting the development of alternative livelihoods for local communities close to the wildlife concerned and contributing to the recovery and conservation of wildlife populations;
7. Calls for the EU, as a matter of urgency, to address corruption and the shortcomings of international governance measures across the wildlife trafficking chain; calls for the EU and its Member States to engage with partner countries through the United Nations Convention against Corruption (UNCAC) and other fora to tackle the problem in source, transit and destination markets; calls on all Member States to fully comply with the provisions of UNCAC;
8. Recognises the need to provide assistance and guidance to source countries concerning enforcement and judicial procedures at local, regional and national level; calls for the EU to enable training, specialised equipment and expertise to be provided where necessary;

Making implementation and enforcement more effective

9. Calls on the Member States to put in place national enforcement action plans detailing enforcement policies and penalties, and to publish the information on seizures and arrests relating to wildlife crimes, in order to ensure consistency and harmonised approaches between Member States;
10. Urges the Member States to ensure that enforcement agencies, prosecution services and national judiciaries have the necessary financial and human resources to combat wildlife crime;
11. Underlines the need for inter-agency cooperation and calls on the Member States to provide Europol with continuous and relevant intelligence and data; urges Europol to consider wildlife crime in the next EU Serious and Organised Crime Threat Assessment (SOCTA); calls for the establishment of a specialised Wildlife Crime Unit within Europol, with transnational powers and responsibilities and sufficient financial and human resources, enabling centralised information and analysis and coordinated enforcement strategies and investigations;
12. Notes the links between wildlife crime and other forms of organised crime, including money laundering, and considers the combating of illicit financial flows to be a priority;

calls for the EU to use all relevant instruments, including cooperation with the financial sector;

13. Calls on the Commission to review Directive 2008/99/EC on the protection of the environment through criminal law, in particular with regard to its effectiveness in combating wildlife crime;
14. Urges the Member States to comply with the UN Convention against Transnational Organised Crime (UNTOC) as a basis for international action and mutual legal assistance and as a key step towards a common approach to combating wildlife crime; deeply regrets, in this connection, the fact that eleven Member States have not yet implemented UNTOC;.
15. Considers that action against wildlife crime requires consistent and dissuasive criminal penalties; urges the Member States to define wildlife trafficking as a serious crime in accordance with UNTOC;
16. Recognises the need for guidance on prosecution and sentencing for Member State judiciaries and prosecutors and the need for training for customs and enforcement officers at entry points into the EU; considers UNEP's 'Global Judges Programme' and the 'Green Customs Initiative' partnership as models to follow;
17. Calls on the Member States to recognise the scale of online wildlife trafficking and to build capacity in order to ensure that channels exist to trigger assistance from cross-border units specialised in cybercrime;

Strengthening the global partnership

18. Calls on the Commission and the Member States to step up dialogue with source, transit and destination countries in the wildlife trafficking supply chain and to provide them with technical assistance and diplomatic support;
19. Calls on the Commission to include mandatory sustainable development chapters in all EU trade agreements and negotiations, with specific reference to halting illegal trade in wildlife in all economic sectors;
20. Calls for the EU to support the International Consortium on combating Wildlife Crime (ICCWC);

EU as a destination market, source and transit point

21. Notes that CITES, the EU Timber Regulation and the EU IUU regulatory framework are tools for regulating international wildlife trade; is concerned, however, about regulatory gaps with regard to species and actors; calls, therefore, for the EU to review and amend the existing legislative framework with a view to prohibiting the making available and placing on the market, transport, acquisition and possession of wildlife that has been illegally harvested or traded in third countries; considers that such legislation would harmonise and simplify the existing EU framework and that the transnational impact of such legislation can play a key role in reducing global wildlife

trafficking;

22. Considers traceability in the supply chain to be essential; calls for the EU to strengthen existing control instruments and considers that the transport sector should play a key role, especially by implementing early warning detection systems;
23. Calls, in addition to border checks required under Regulation (EC) No 338/97, for Member States to introduce in-country compliance monitoring with regular checks on traders and permit holders such as pet shops, breeders, research centres and nurseries, and including monitoring of trades such as fashion, art, medicine and catering, that may use illegal plant and animal parts;
24. Calls on the Member States to ensure the immediate confiscation of any seized specimens and the care and re-homing of seized or confiscated live specimens at recognised and certified animal welfare centres;
25. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

On World Wildlife Day in 2015 the UN Secretary-General Ban Ki-moon said ‘It is time to get serious about wildlife crime’. It was a simple, but firm message that wildlife trafficking poses a serious and growing threat, not only to the survival of numerous species of flora and fauna, but also to the rule of law, human rights, global governance, well-being of local communities and most importantly the very survival of the world’s ecosystems.

Wildlife Trade has become a billion-euro criminal industry dominated by organised criminal groups. The risk of detection is low and the financial reward is high, attracting criminal gangs to exploit illegally caught and removed wildlife to fund their criminal activity.

Efforts to curb wider environmental crimes are becoming particularly important in response to threats against peace and security. Across the world, non-state armed groups, terrorist groups and others are increasingly engaging in environmental crimes and thrive on the exploitation of natural resources as it is easier to harness than incomes derived from other forms of exploitation e.g. smuggling drugs, cigarettes, or migrants.

The European Union is an important actor both in the fight against wildlife crime, as a major destination for illegal wildlife products, as well as a transit and often source point for wildlife trafficking especially between Africa, Asia, and Latin America but also within the EU itself.

The Action Plan is part of the EU’s response to the UN’s 2030 Agenda for Sustainable Development and in particular Sustainable Development Goal 15, which calls for immediate action to end poaching and trafficking of protected species and address both demand and supply of illegal wildlife products.

From 2016 to 2020, the Action plan will strengthen the EU’s role in the global fight against wildlife trafficking through a set of priorities: prevention, enforcement, cooperation as well as the recognition of the EU as a destination market, and a source and transit point for wildlife products.

The first priority of the Action Plan is to prevent wildlife trafficking and address its root causes. A crucial step in achieving this will be for the EU to reduce the global demand for and supply of illegal wildlife products using the tools available: the CITES framework, awareness raising campaigns, addressing the serious issue of corruption in the supply chain and developing the capacity of source countries enforcement agencies, and ranger forces who are tackling wildlife trafficking on the ground.

The second priority of the Action Plan is to ensure effective implementation and enforcement of existing rules to combat organised wildlife crime. As it stands Member States are not providing sufficient seizure information and data to enforcement agencies Europol and Eurojust which severely limits their ability to tackle wildlife trafficking on a cross-border level. Also the penalties being given to wildlife traffickers do not match the seriousness of the crime. EU Member States should introduce fixed and harmonious penalties for convicted wildlife traffickers. The EU must explore the possibility of introducing legislation to prohibit the import, trade and re-export of species that are protected in their countries of origin. The US Lacey Act is an example of such legislation. While CITES is a useful tool for regulating wildlife trade and protecting endangered species, it does not encompass all critical species,

nor is it able to react to changing circumstances quickly enough and therefore provides criminals with easy opportunities to exploit loopholes.

The third priority is to strengthen the global partnership of source, consumer and transit countries against wildlife trafficking. To do this it is important to provide political support and technical assistance to key source, transit and destination countries. Also the EU need to use its economic power to insert clauses in current and future trade deals on the need to tackle wildlife trafficking. The Trans-Pacific Partnership (TPP) trade deal between the USA and eleven Pacific Rim countries included environmental provisions to tackle wildlife trafficking; while they are imperfect, they do make a political statement that biodiversity should be taken into account when conducting trading relationships. This should be a model on which to build new EU trade negotiations.

Finally the EU in itself is a very active market for the trade in illegal wildlife products. Not only is it a transit point and destination market for trade, it is also a source for illegal wildlife products protected under EU law. Member States need to address the internal trade in illegal collected wildlife products sold as legal commodities, like flowers, furniture and exotic pets. Also EU Member States need to consider updating and improving their animal welfare and rescue centres to cope with a large variety of species which are seized at border points and elsewhere in the EU.

Ultimately it is the shared responsibility of EU Member States to step up to this challenge and halt the rapid decline in some of the world's most cherished species. By doing so we will not only be preserving biodiversity for future generations but also improving and bolstering the EU's security framework, improving the lives of local communities, increasing sustainable development and strengthening the rule of law.