



2016/2076(INI)

28.9.2016

OPINION

of the Committee on Legal Affairs

for the Committee on the Environment, Public Health and Food Safety

on the EU Action Plan against Wildlife Trafficking
(2016/2076(INI))

Rapporteur: Kostas Chrysogonos

SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas biodiversity conservation plays a key role in European environmental law and policy-making; whereas the protection of endangered animal and plant species and combating the illegal trade in these species are issues of international and national interest which require cooperation between all nations, including those of the EU, particularly against the background of increasing international and national illegal trade in these species (wildlife trafficking);
- B. whereas illicit wildlife trafficking generates significant profits for criminal groups and currently remains high on the list of illegal trade activities worldwide; whereas the European Union is currently a destination market, a hub for trafficking in transit to other regions, and also a region from which certain species are sourced for illegal trade;
- C. whereas the UN Commission on Crime, Prevention and Criminal Justice resolution of April 2013, endorsed by the UN Economic and Social Council on 25 July 2013, encourages its 'Member States to make illicit trafficking in protected species of wild fauna and flora involving organised criminal groups a serious crime', thereby placing it on the same level as human trafficking and drug trafficking;
- D. whereas all Member States have signed the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and whereas the EU became a party to the convention in 2015;
- E. whereas the EU's participation as a legal entity in this species protection system cannot but confirm the prominent and responsible stance taken by the EU in promoting sustainability;
- F. whereas Directive 2008/99/EC of the European Parliament and of the Council on the protection of the environment through criminal law harmonises the definitions for wildlife-crime-related offences and obliges Member States to provide, in their national legislation, for effective, proportionate and dissuasive criminal sanctions for serious breaches of Community legislation relating to conservation of the environment, including protected species of wild flora and fauna;
- G. whereas the EU continues to be one of the largest markets for illicit wildlife products and a hub for trafficking in transit to other regions (illegal trade in wild animals being estimated to be worth approximately USD 22 billion worldwide), and whereas an action plan at European level to address the issue of wildlife trafficking is an essential step forward; whereas this EU plan must now be accompanied by effective complementary measures such as the training of forestry and customs corps and the introduction of effective penalties;
- H. whereas the EU Action Plan demonstrates that the EU is ready to live up to international expectations and commitments, and that it is raising the level of its ambition as regards action against the illegal trade in wild animals and plants;

- I. whereas the principle of effectiveness of public action requires the Member States to coordinate their actions if endangered species are to be protected successfully from illegal trafficking; whereas this can be achieved through a joint commitment by the EU and its Member States, in the form of an action plan, making efficient use of existing resources and agencies while bringing exhaustive expert assessment and monitoring to bear on potential illicit activities and implementing shared international commitments and acknowledging at a political level the importance of tackling the problem;
- J. whereas the principle of subsidiarity requires Member States to be free to choose the means of attaining the goal of protecting endangered animal and plant species; whereas the role of local authorities is particularly effective and necessary in this regard;
- K. whereas, in view of the uniquely cross-border nature of wildlife trafficking offences, Member States and the EU as a whole should work towards the implementation of international commitments already entered into, the establishment of minimum rules concerning the definition and sanctioning of such offences, pursuant to Article 83(1) of the Treaty on the Functioning of the European Union (TFEU), and the facilitation of structured dialogue for enhanced cooperation in consultation with all relevant authorities and stakeholders, including third countries and countries of origin;
1. Welcomes the Commission's EU Action Plan against Wildlife Trafficking and the fact that over the last decade the EU has been actively involved in combating the illegal trade in wildlife by adopting strict trade rules to end this type of trafficking;
 2. Welcomes the conclusions of the Environmental Council of 20 June 2016 in relation to the EU Action Plan against Wildlife Trafficking;
 3. Welcomes also the fact that the EU Action Plan makes a major contribution to achieving the Sustainable Development Goals set under the 2030 Agenda for Sustainable Development agreed by heads of state at a UN summit in September 2015;
 4. Considers that the EU and its Member States need to step up their common efforts to tackle environmental crime and wildlife trafficking in particular, now that the EU is a party to the CITES convention, which now protects over 35 000 species of animals and plants, and to establish solid cooperation with third countries and countries of origin; points, therefore, to the urgent need to strengthen, and provide for better coordination of, measures to combat wildlife trafficking and the root causes thereof, involving not just countries of origin, but also transit and marketing countries;
 5. Urges the EU to take part in awareness-raising campaigns with stakeholders and civil society, not only in rural areas, but also on a global level, with a view to reducing the market for illegal wildlife products;
 6. Calls on the Commission and the Member State authorities to step up their cooperation in the fight against wildlife trafficking, particularly between enforcement agencies at national, EU and international level, including police, customs, judicial authorities, forestry corps and sanitary and trade inspection authorities, with a view to implementing adequate measures on the ground; urges the Member States to provide national judiciaries with legal assistance and guidance on combating wildlife crime; calls, in this regard, for the setting up of joint enforcement priorities with Europol and Eurojust providing

dedicated support for cross-border cases;

7. Considers that all Member States should honour the international commitments they have made, to ensure that their laws on organised crime cover wildlife trafficking and that appropriate penalties can be imposed for this type of trafficking; stresses, at the same time, that international cooperation on enforcement needs to be improved, through participation in international law-enforcement operations, technical assistance and targeted financial support;
8. Encourages the Member States to ensure, in line with the UN Commission on Crime, Prevention and Criminal Justice resolution of April 2013, that wildlife trafficking involving organised criminal groups is defined as a serious crime under the UN Convention against Transnational Organised Crime;
9. Agrees with the Commission that training activities are an essential part of the fight against organised crime, including wildlife trafficking; calls on the Commission, therefore, to consider appropriate training projects targeted in particular at the aforementioned enforcement agencies; recommends the creation of a monitoring system in order to determine the improvements and best practices aimed at stopping wildlife trafficking, and also considers it essential to promote awareness-raising, notably through awareness-raising campaigns, and to intensify dialogue and technical cooperation with the competent authorities and local communities, with a focus on the impacts of trafficking in products obtained from wild fauna and flora;
10. Considers that the fight against wildlife trafficking can be advanced by instruments of soft law; notes, however, that legislative action may be necessary in order to ensure legal certainty and to create sufficient binding rules; underlines that EU legislation laying down obligations for operators who place illegal products on the market and making it possible to counter wildlife trafficking effectively already exists in the specific sector of timber;
11. Calls on the Commission to take steps towards establishing and implementing common minimum rules concerning the definition of criminal offences and sanctions related to wildlife trafficking, pursuant to Article 83(1) TFEU; urges the Member States to fully implement the provisions of Directive 2008/99/EC on the protection of the environment through criminal law and to set appropriate levels of sanctions for wildlife crime offences; stresses the need to properly monitor the implementation of the EU Action Plan against Wildlife Trafficking and to keep Parliament and the Council regularly informed on the progress made until 31 July 2018, and to conduct its overall evaluation by 2020;
12. Welcomes, in this regard, the Commission's commitment, in line with the EU Agenda on Security, to start a review to assess the appropriateness and effectiveness of the EU policy and legislative framework for tackling environmental crime, and in particular organised wildlife crime; welcomes, moreover, the Commission's commitment to report to Parliament and the Council on the interim progress made in implementing the Action Plan, by 31 July 2018, and to conduct its overall evaluation by 2020.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	26.9.2016
Result of final vote	+: 20 -: 2 0: 0
Members present for the final vote	Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Mady Delvaux, Rosa Estaràs Ferragut, Sajjad Karim, Dietmar Köster, Gilles Lebreton, António Marinho e Pinto, Emil Radev, Evelyn Regner, József Szájer, Axel Voss, Tadeusz Zwiefka
Substitutes present for the final vote	Daniel Buda, Sergio Gaetano Cofferati, Pascal Durand, Angel Dzhambazki, Sylvia-Yvonne Kaufmann, Stefano Maullu, Virginie Rozière