

RECOMMENDATIONS FOR THE REVISION OF THE EU ACTION PLAN AGAINST WILDLIFE TRAFFICKING (June 2022)



With its 184 Parties, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) provides the framework for the regulation of trade in wild species globally. The EU has a strong and comprehensive set of legislation covering wildlife trade, which implement CITES, including a suite of stricter measures that go much further than the requirements of the Convention and the legislation that typically applies in most CITES Parties. Among these stricter measures, the requirement for import permits, conditional on a non-detriment finding, for imports of specimens of Appendix II species, and strict controls on most internal trade in Appendix I species, both of which require significant additional staff resources and expertise from Member States.

One of the biggest challenges encountered with respect to these pieces of legislation, therefore, is their proper implementation. In that regard, the role of the EU Action Plan against Wildlife Trafficking (EU-WAP) is to identify priorities and concrete actions that both the EU and Member States can implement to strengthen their efforts in fighting wildlife crime in the framework of existing EU legislation and international commitments taken.

TRAFFIC and WWF strongly support the initiative of the European Union to evaluate and revise its Action Plan against Wildlife Trafficking. The first Action Plan that ran from 2016 to 2020 was instrumental in raising the profile of wildlife trafficking in the European Union and globally, leading to the implementation of a robust set of measures to better fight the illegal wildlife trade.

However, the evaluation of the success of the Action Plan carried out by TRAFFIC and WWF as part of the Commission's consultation demonstrates, as per Figure 1 below, that further work is still necessary. Despite some progress being observed in all categories of the EU-WAP, not all actions provided for in the Action Plan have been implemented and other actions were missing. Hence, there is still room for improvement to effectively crack down on illegal wildlife trade, as per the EU Biodiversity Strategy for 2030¹. **The revision of the Action Plan provides the perfect opportunity to upscale the efforts of all stakeholders.**

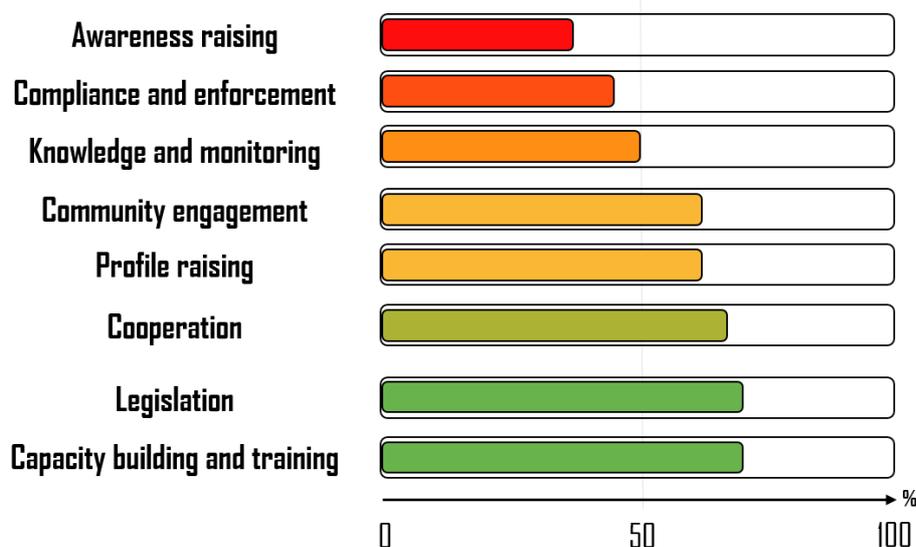


Figure 1. Level of success, as per TRAFFIC/WWF evaluation, of the actions provided for in the 2016-2020 EU Action Plan against Wildlife Trafficking (in %)

¹ https://ec.europa.eu/info/sites/default/files/communication-annex-eu-biodiversity-strategy-2030_en.pdf

Main recommendations

TRAFFIC and WWF call on the European Commission to incorporate the following recommendations in the future Action Plan:

1. Allocate sufficient human and financial resources to implement the Action Plan
2. Step-up the implementation by EU Member States
3. Develop a clear monitoring and evaluation mechanism
4. Undertake financial investigations and asset recovery procedures systematically
5. Address the issue of nationally protected species illegally traded in the EU
6. Increase synergies with relevant EU legislation
7. Integrate human rights and gender in the scope of the Action Plan
8. Recognize the role of Civil Society Organisations
9. Identify and focus on priority species
10. Identify synergies with the Post-2020 Global Biodiversity Framework
11. Adopt a comprehensive approach from source to consumer
12. Invest in capacity building and training of enforcement and judicial authorities
13. Engage with the private sector
14. Invest in research to increase knowledge about wildlife trade
15. Ensure the systemic inclusion of illegal wildlife trade and sustainable consumption in EU trade policy

Towards a stronger EU Action Plan against Wildlife Trafficking

The new EU Action Plan against Wildlife Trafficking will need to be provided with the necessary resources to achieve its ambitions, in line with the commitments made in the EU Biodiversity Strategy for 2030² and priorities identified in the 2022-2025 cycle of the European Multidisciplinary Platform Against Criminal Threat (EMPACT)³. In that regard, TRAFFIC and WWF call on the European Commission to implement a number of additional measures as well as strengthen existing measures in the future Action Plan.

Additional measures to implement

1. Allocate sufficient human and financial resources to implement the Action Plan

The success of the future Action Plan will depend on the financial and human resources allocated to its implementation. The EU and Member States need to dedicate specific budgets and staff, at the European and national levels. This will ensure that the actions identified in the EU-WAP have the financial and human capacity to be effectively implemented. In particular, a specific person should be hired to ensure coordination across the different services of the European Commission, and to follow-up the implementation of the EU-WAP. This also includes identifying resources to support the effective implementation of existing and soon-to-be adopted EU legislation, such as the revised Environmental Crime Directive and the Deforestation Regulation.

² https://ec.europa.eu/info/sites/default/files/communication-annex-eu-biodiversity-strategy-2030_en.pdf

³ <https://www.europol.europa.eu/crime-areas-and-statistics/empact>

2. Step-up the implementation by Member States

Member States should commit to transposing the EU-WAP at national level by developing a national Action Plan and/or embedding illegal wildlife trade into relevant national strategies (e.g. as part of the implementation of the Environmental Crime Directive which will require Member States to develop national strategies to fight against environmental crimes, including wildlife trafficking). The implementation of the former Action Plan by Member States was very uneven as only a few of them integrated it into their national strategies. Member States need to show further commitment to avoid being used as safe havens by wildlife traffickers. Clear law enforcement targets should be set at the national level to measure law enforcement efforts in tackling wildlife trafficking, such as the quantity and quality of controls, investigations and prosecutions, law enforcement operations, etc.

This national transposition would allow adaptation of the Action Plan to national priorities and context. This would demonstrate that wildlife trafficking is a priority for Member States, ensuring that the proper amount of resources, financial and human, is allocated to the implementation of the EU-WAP.

3. Develop a clear monitoring and evaluation mechanism

The former Action Plan did not have a monitoring and evaluation mechanism to follow-up on the progress made at the EU and national levels. This has complicated the objective assessment of its efficiency. The future EU-WAP should be supported by a more robust, comprehensive, transparent and independent monitoring and evaluation mechanism to measure progress and ensure accountability towards its implementation.

Stakeholders identified as primary implementers of the Action Plan should report on an annual basis on progress. Key performance indicators with baseline and target values should be developed for each action. It should also incorporate horizon scanning and the possibility to update and amend the Plan as needed to make it more adaptable to the reality on the ground and to newly-arising issues. All these tools will allow keeping track of what has been done, identify new and unexpected issues, and resources needed in order to update and better tailor activities.

4. Undertake financial investigations and asset recovery procedures systematically

The EU-WAP should promote a more systematic use of financial investigations and asset recovery procedures in the field of wildlife crime, including illegal timber and fisheries trade. Combatting criminal finance and money laundering, as well as systematically enabling asset recovery are essential means to disrupt and dismantle organised crime groups. However, such means are at present largely under-utilised in the fields of wildlife, timber and fisheries trafficking. The result is that mostly low-level criminals, such as poachers, are caught and prosecuted, leaving the senior members of criminal groups and actual beneficiaries of these crimes, free to continue their illicit activities. In particular, “follow the money” approaches, including through enhanced international cooperation, should be systematically used as they allow authorities to identify and dismantle wider organised crime networks, and negatively affect them where it is most disruptive.

5. Address the issue of nationally protected species illegally traded in the EU

TRAFFIC and WWF recognize the positive role of the EU in ensuring the listing of new species into CITES Appendices. Yet, it is essential to address the illegal trade in non-CITES listed species protected in their countries of origin in a more systemic way. Indeed, the EU is an important consumer market for some of these species, particularly reptiles and amphibians. As they are not covered under CITES and the EU Wildlife Trade Regulations, once they are smuggled out of their country of origin, there are no legal grounds to stop their trade when they reach the EU market, even if they were extracted from the wild and exported illegally.

TRAFFIC and WWF believe that, before resorting to adopting new primary legislation, the European Commission should explore how available existing mechanisms might address this issue. Accordingly, we

submit that the most pragmatic way to address this issue would be to make use of Annex B of Council Regulation (EC) No 338/97. The listing of new species on that Annex could be done in consultation with the range countries concerned. Opting for this solution would ensure the swift and strong protection of these species, in particular endemic ones, for which we acknowledge a timely solution is needed. The list of species to include in Annex B and its regular update could be coordinated by the Scientific Review Group, which has undertaken this work in the past, in consultation with the Expert Group and the Enforcement Group. The EU should also support the further use of CITES Appendix III listings by range states.

6. Increase synergies with relevant EU legislation

The former Action Plan missed the opportunity to identify greater synergies with other EU legislation which could strengthen the ability of relevant authorities to fight against wildlife trafficking.

The future EU-WAP should explore synergies with the revised Directive on the protection of the environment through criminal law and Regulation on deforestation-free products, and explore how specific actions can support their transposition and implementation by Member States. In addition, there are a number of other pieces of legislation currently being negotiated within the EU (e.g. Directive on the freezing and confiscation of instrumentalities and proceeds of crime, Digital Services Act) that need to include environmental crimes, notably wildlife, timber, and fisheries trafficking, within their scope, and that should be referred to in the Action Plan. Such provisions would align with activities aimed at raising awareness, and investing in capacity building and training of enforcement and judicial authorities. Other important legislation worth incorporating into the Action Plan includes the Directive on countering money laundering and the upcoming Directive on corporate sustainability due diligence to make sure companies abide by strict sustainability rules and provide transparency on their activities. TRAFFIC and WWF support the European Parliament Resolution calling for mandatory human rights, environmental, and governance due diligence standards across the value chain for companies operating in the EU.

The Action Plan should also cover species protected under the Birds and Habitats Directives which are exploited illegally, as it is usually the same enforcement agencies that work on these species and those listed in the Wildlife Trade Regulations. Similarly, it is important that the Action Plan is coherent with legislation related to illegal, unreported and unregulated fishing and timber trafficking as an increasing number of species belonging to these categories are listed in the CITES Appendices. Incorporating these legislative pieces would enable the relevant authorities to address the illegal and unsustainable use of natural resources in a more comprehensive and systemic way.

7. Integrate human rights and gender in the scope of the Action Plan

The future Action Plan needs to take into account the human rights and gender dimensions of illegal wildlife trade as both are interlinked with it. Including them would improve the likelihood of conservation success and would contribute to other EU objectives in terms of gender equality and human rights.

Minor actors often disproportionately bear the costs of the enforcement of wildlife trade regulations, which can lead to human rights violations. The focus of enforcement actions should therefore be on key players. The EU should also support the rights and welfare of enforcement officers as well as Environment and Human Rights Defenders who are on the front line of the fight against wildlife trafficking.

The WWF report on gender and illegal wildlife trade⁴ shows that gender inequality is an integral part of wildlife trafficking dynamics. Indeed, men and women take part in and are affected differently by illegal wildlife trade. Having this dimension included in the Action Plan would allow for more targeted and efficient actions to fight against wildlife trafficking, including actions aiming at involving Indigenous Peoples and Local Communities, and women in decision making, knowledge sharing, and co-management of programs. The EU should also

⁴ https://cdn.genderandiwat.org/Gender_IWT_WWF_Report_FINAL_with_lang_options_bb2c8d37d8.pdf

support calls for the adoption of a CITES gender action plan that would ensure the proper integration of the gender perspective into the fight against wildlife trafficking globally.

8. Recognize the role of Civil Society Organisations

TRAFFIC and WWF acknowledge that it is not necessarily appropriate for Civil Society Organisations (CSOs) to be involved in all aspects of decision-making processes under the Wildlife Trade Regulations, including with regards to seeking access to confidential, and enforcement-sensitive information.

Nevertheless, CSOs play a crucial part in fighting against wildlife trafficking, developing projects all over the world that fall under the objectives of the Action Plan (working with source and demand countries, supporting law enforcement authorities and the private sector, etc.). Yet, this was not sufficiently acknowledged in the former Action Plan. Hence, this role should be further recognized in the future EU-WAP. An excellent example of that, is the EU-TWIX (Trade in Wildlife Information eXchange) platform⁵ which has been, since 2005, a game-changer in centralising data on seizures and offences reported by all 27 EU Member States, Bosnia and Herzegovina, Iceland, Switzerland, Ukraine and the United Kingdom. It has now inspired the development of TWIX platforms in Central Africa, South Africa, East Africa and soon West Africa. The EU should promote a long-term funding model for this project to make sure that it continues to provide support to enforcement authorities in Europe and beyond.

TRAFFIC and WWF hope that the information shared by CSOs as part of their responses to the consultation on the evaluation and revision of the EU Action Plan against Wildlife Trafficking will be used by the European Commission. The revised EU-WAP should recognize and build on their expertise in the planning of strategies and in the development of specific actions to tackle illegal wildlife trade. The European Commission should also ensure that specific, transparent and predictable funding is made available to CSOs to enable their participation in the implementation of the Action Plan.

9. Identify and focus on priority species

The Action Plan should focus its actions where the EU has the most significant conservation footprint or where the EU is a driver of illegal wildlife trade, such as the exotic pet trade. Human resources to fight wildlife trafficking are scarce and therefore prioritisation is needed to ensure the EU is tackling the most pressing issues. The EU Wildlife Trade Enforcement Group can be used to regularly assess such prioritisation of species and ensure that law enforcement agencies concentrate their efforts on disrupting wildlife trafficking in those species. In this regard, WWF and TRAFFIC are not seeking any further restrictions on domestic ivory trade.

10. Identify synergies with the Post-2020 Global Biodiversity Framework

The Post-2020 Global Biodiversity Framework under the Convention on Biological Diversity (CBD) will define targets for the conservation and sustainable use of biodiversity for the next decade and beyond, and so provide a global strategy for jointly safeguarding nature and our future on this planet. The revised Action Plan should, therefore, align itself with the new Framework, in particular by including explicit actions aimed at contributing to the achievement of the targets identified therein, especially those targets that relate to the improvement on the conservation status of threatened species, ensuring that wildlife trade is sustainable, ensuring that people can continue to benefit from living with and using wildlife resources within those sustainable limits (targets 4, 5 and 9 respectively in the current draft).

⁵ <https://www.eu-twix.org/>

Existing measures to strengthen

11. Adopt a comprehensive approach from source to consumer

The 2016-2020 Action Plan already followed a holistic approach from source to consumer. The revised EU-WAP should pursue this comprehensive approach. This includes addressing the root causes of wildlife trafficking, improving enforcement efforts and legislation to tackle this crime both within and outside the EU, strengthening international cooperation, addressing key enablers such as wildlife trafficking on the internet, reducing the demand for illegal wildlife specimens, and championing sustainable use, including sustainable wildlife harvest and trade.

The future Action Plan should promote the use of social and behavioural science to produce lasting and positive change for threatened wildlife species. The EU is a major consumer market for wildlife commodities, for instance for exotic pet species, and it is crucial to better inform the public about the EU Wildlife Trade Regulations, as well as conduct activities aimed at promoting the sustainable consumption of wildlife, notably through behaviour change campaigns.

The EU should also pursue its investments in similarly science-based awareness raising and demand reduction campaigns in other high-demand countries, while continuing to technically and financially support source countries in their efforts to protect their wildlife, address the root causes of illegal wildlife trade, and ensure that wildlife trade is legal and sustainable. This includes promoting the sustainable use and trade of wildlife where these contribute to both local livelihoods and wildlife conservation.

12. Invest in capacity building and training of enforcement and judicial authorities

The future Action Plan should further boost training and promote the specialisation of enforcement and judicial authorities (prosecutors and judges) on wildlife, forest, and fisheries crime, both within and outside the EU. In fact, one of the recognized drivers of ineffective enforcement in the field of environmental crimes, including wildlife crime, is the lack of training and specialisation as per the Environmental Crime Directive's impact assessment report⁶.

Cooperation needs to be strengthened at all levels, between agencies at the national level, between different types of experts (e.g. wildlife, financial crime and cybercrime experts), between EU countries, between EU and source or consumer countries, as well as between law enforcement agencies, the private sector and CSOs. In addition, the European Commission needs to ensure continuous inter-service coordination between its Directorate Generals (e.g. DG-Environment, DG-Home Affairs, DG-Justice and Consumers, DG-Trade, DG-for Health and Food Safety, etc.) to ensure greater policy alignment and synergies.

13. Engage with the private sector

The Action Plan should further engage the private sector, including the transport sector, online platforms, and companies supplying wildlife products, which may (unwittingly or otherwise) become a link in a wildlife trafficking chain. With efficient and well-monitored due diligence, the private sector can be an ally in the fight against illegal wildlife trade and be a champion of legal and sustainable practices. Efforts to raise awareness among businesses should be reinforced too.

While voluntary initiatives can successfully engage motivated companies, the EU-WAP should also focus on establishing appropriate legislative frameworks for companies to adopt due diligence procedures to limit the risk of being used by traffickers, for example in conjunction with the upcoming Directive on corporate sustainability due diligence.

⁶ https://ec.europa.eu/info/sites/default/files/1_2_179763_ia_dir_env_new_en.pdf

14. Invest in research to increase knowledge about wildlife trade

The new Action Plan should continue to improve knowledge about wildlife, for example by improving the scientific basis of non-detriment findings, and by researching innovative strategies to fight against wildlife trafficking more efficiently, zoonotic disease risks related to wildlife trade, and wildlife cybercrime. This knowledge should feed into other elements of the Action Plan, for instance the future Action Plan could consider how to mitigate the consequences the pandemic had and continues to have on the fight against wildlife trafficking (e.g. increased poaching for subsistence, reduction of financial resources due to the dramatic decline in photo and hunting tourism, etc.).

Dedicated EU funding should also be allocated to technological developments that help counter illegal wildlife trade and ensure that technology advances can be shared among EU and non-EU countries. The EU should ensure appropriate sharing and transparency on technological development to avoid duplication and ensure synergies between initiatives.

15. Ensure the systemic inclusion of illegal wildlife trade and sustainable consumption in EU trade policy

Recent trade agreements negotiated by the EU have included biodiversity as a specific criterion. All future bilateral trade negotiations with countries or regional political organisations should include actions supporting sustainable and legal wildlife trade and fighting against illegal trade. The European Commission should ensure that those commitments are properly honoured by the EU and partner countries.

For more information

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