

SWiPE



**Successful
Wildlife Crime
Prosecution
in Europe.**

**Successful wildlife crime
prosecution in Slovakia.
National report on illegal
actions targeting protected
species.**



TRAFFIC



National Report on Illegal Actions Targeting Protected Species in Slovakia

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Project webpage: StopWildlifeCrime.eu.

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Abbreviations

CC	Criminal Code
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CPC	Criminal Procedure Code
DA	District Authority
EC	European Commission
EU	European Union
HMECDU	Hazardous Materials and Environmental Crime Detection Unit (Presidium of the Police Corps, National Headquarters of Special Types of Crime)
MoE SR	Ministry of the Environment of the Slovak Republic
NGO	Non-governmental organisation
PLA	Protected Landscape Area
RPS	Raptors Protection of Slovakia
SEI	Slovak Environmental Inspectorate
SEI-DINLP	Slovak Environmental Inspectorate, Department of Inspection of Nature and Landscape Protection
SNC SR	State Nature Conservancy of the Slovak Republic
SR	Slovak Republic
SRA	Slovak Rangers Association
SWiPE	Successful Wildlife Crime Prosecution, (LIFE19 GIE/BG/000846), Acronym of the project

I. Executive summary

The aim of the National Report on Illegal Actions Targeting Protected Species, Including Illegal Trade in CITES Species, is to summarise available information on criminal and administrative offences in this area. We have attempted to compile information on the extent of the commission of these offences and to identify gaps in the process of their detection, prosecution and punishment. We have also made recommendations for improvement of the current situation.

To prepare the report, publicly available statistical data, qualitative information obtained in semi-structured interviews and data on specific cases obtained from relevant authorities, publicly available databases as well as under the Freedom of Information Act were used. The result is an overview of illegal activities targeting protected species from the period 2015-2020 and the identification of some fundamental gaps that hinder the effective action of state authorities against this type of illegal activities.

In the Slovak Republic, specific information and data are not yet sufficiently collected. Available information is largely fragmented and incomplete. Thus, some of the recommendations of the Report are aimed at improving the structure of the data collected across different institutions. Another shortcoming is the absence of a functional CITES information system, which would also contribute to the effective sharing of information and the detection of illegal activities.

The positive aspect of the Slovak Republic is the relatively good legislation, organisational security and especially the growing trend of specialisation of individual institutions. The shortcomings are the limited capacity of control bodies in general and the lack of specialised experts (experts, lawyers in control bodies, experts on protected species) in particular. The capacity of the institutions that are supposed to carry out practical protection on the ground is also insufficient, as they manage a large territory with few people.

Lack of capacity and insufficient methodological guidance in government bodies results in gaps in the application and enforcement of the law. One of the main findings of the Report notes that when an offender is convicted in criminal proceedings, there is virtually no recovery of damages caused to the State.

The prosecution of illegal activities targeting protected species is marked by high latency and a relatively large number of cases in which the offender is not identified. The courts adjudicate a relatively low number of cases. In the course of prosecution against a particular offender, some cases end in so-called diversions (conditional termination of prosecution, plea bargain, settlement, etc.) or by assignment of the criminal act to administrative offence. If a particular offender is convicted, the sentences are at the lower end of the penalty rate, sometimes even lower sentences are imposed.

There is no strategy at national level to combat environmental crime. Its adoption would help to identify priorities and harmonise cooperation between state institutions. On the other hand, it is positive that legislation on environmental crime is not stagnating, but is evolving. An

important amendment to the CITES Act is effective from 1 February 2022, and changes to the amendment to the Criminal Code, which is currently in the legislative process, will also help to prosecute crimes against protected species more effectively.

The report includes a number of recommendations at the level of staff capacity, information systems, institutional changes and education. Their implementation would significantly help to reduce the frequency and intensity of illegal activities targeting protected species.

II. About the project

II. 1. Aims and main objectives

Wildlife crime causes a significant reduction in biodiversity and can lead to the extinction of animal and plant species in Europe in spite of a regulatory framework consisting of different international conventions and EU legal instruments. Wildlife crime is not a petty crime. It poses a considerable and increasing threat to the environment and also to economic and social development and security. Such activities are often committed by organized criminal groups and in many cases involving corruption. Due to the scale of the problem, there is an urgent need for enhanced enforcement of laws and effective prosecution to counteract wildlife crime.

Project actions

Project activities aim to boost the awareness and capacity of prosecutors and selected law enforcement authorities to provide effective environmental compliance assurance, enhance cross-border knowledge exchange, and increase cooperation between relevant authorities. Overall, SWiPE¹ will help to reduce the illegal killing of Europe's wildlife, support the recovery of threatened European biodiversity, the health of ecosystems, and decrease Europe's involvement in the illegal wildlife trade. With its activities, SWiPE aims to contribute to increasing the number of successfully prosecuted offences.

Objectives:

- Compile data on wildlife crime in 11 target countries and transfer our data to already existing, reliable databases on wildlife crime (where these are available) to enable access to information, improve comparison of data across Europe, and contribute to the work of law enforcement officers.
- Increase awareness, knowledge, and capacity of wildlife crime professionals (prosecutors and experts from enforcement agencies) in 11 target countries to improve national and cross-border governance in relation to wildlife crime investigations and prosecutions.
- Inform and drive meaningful changes to relevant national and European level policies to increase the recognition of wildlife crime, its seriousness and immense impact.
- Raise awareness of practitioners as well as the public on wildlife crime.

¹ LIFE SWiPE Successful Wildlife Crime Prosecution, (LIFE19 GIE/BG/000846)

II. 2. Definitions

Wildlife crime, including poaching, wildlife trafficking, or illegal poisoning, causes a significant reduction in biodiversity and can lead to the extinction of animal and plant species in Europe and beyond.

There are various definitions of “wildlife crime”. For example, United Nations Office on Drugs and Crime (UNODC) defines it as “harvesting and trade contrary to national [and international] laws”. Wildlife crimes can be categorized differently, for instance, based on the motivations of the crime, the species targeted, and the methods used. National regulations may use a combination of these categorizations when describing these offences.

The SWiPE project considers the term “wildlife crime” (WLC) as any form of illegal actions directly harming a protected species, which take place within the 11 project countries, covering species (animals and plants) protected under the CITES Convention, the EU Wildlife Trade Regulations and animal species listed in the EU Habitats and Birds Directives. Below is a non-exhaustive list of wildlife crimes and some of the wildlife crime categorizations we use:

- Poaching and illegal killing for sport;
- Predators or pest control and retaliation;
- Illegal catching\capturing, possession, supply and sale, export\import, illegal fishing;
- Illegal collection of eggs;
- Non-selective catching and killing (e.g., poisonous bait, unselective and illegal nets, unselective traps);
- Trapping, harming.

The consortium of partners includes [WWF Bulgaria](#) (lead partner), [State Attorney’s Office of the Republic of Croatia](#), [Fauna & Flora International](#) (in Romania), [Judicial Academy Croatia](#), [WWF Adria in Serbia](#), [WWF Adria](#), [WWF Spain](#), [WWF Hungary](#) & [TRAFFIC](#), [WWF Italy](#), [WWF Poland](#), [WWF Romania](#), [WWF Slovakia](#), and [WWF Ukraine](#) (associated beneficiaries).

The project started in September 2020 and will run through to the end of August 2023. SWiPE aims to discourage and ultimately reduce illegally killed European wildlife, supporting the recovery of threatened European biodiversity and the health of ecosystems.

The project addresses national and regional prosecutors, national and regional enforcement officials, as well as professionals from civil society organizations, other wildlife crime experts, staff of national ministries, judges and judicial academies, where relevant.

More information about the project, aims and partners can be found on the website - stopwildlifecrime.eu

III. Methodology

III.1. Scope of the report

The report brings a comprehensive overview of wildlife crime on national level as it provides an assessment of WLC across different species and different types of crime and offenses. This is done through the analysis of WLC data collected and through summarising the information obtained at semi - structured interviews focused on gaps in the processes of WLC detection and prosecution. The interviews were conducted with representatives of law enforcement agencies and other selected institutions / organizations that play an important role in the fight against wildlife crime.

III.2. General methodology for data collection

Data collection was focused on gaining information on:

- a) **Gaps in the processes of WLC detection and prosecution:** This process was conducted through semi - structured interviews which were focused on obtaining information on institutional shortcomings, causes of latency, insufficient detection and reporting of WLC. It also covered questions on major obstacles to investigation, reasons for not initiating criminal proceedings, not bringing cases to courts, as well as possible legislative shortcomings and problems with application of law in practice at national and international level. In relation to data the questions were aimed at access to information, data collection and exchange of information, institutional cooperation at national and international level. Interviewees were also asked about what training would be needed in order to improve WLC detection and prosecution processes. The interviews were conducted with 1 or 2 representatives of each interviewed institution.
- b) **Aggregated data** were obtained either from relevant institutions directly or from publicly available sources (websites, yearly reports, etc.). Aggregated data bring a basic information about the number of cases reported or investigated, the number and/or type of sanctions in the given period.
- c) **Particular WLC cases** – data on WLC cases registered in the period 2015- 2020 were obtained from relevant institutions directly or from publicly available databases.

Scope of data:

- Type of incident: criminal offences; administrative offences; incidents documented by other than law enforcement authority (e.g. by NGO, rangers, hunters).
- Species: species protected under:
 - CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) - all listed animals (incl. terrestrial, marine and freshwater species) and plant species.

- EU Habitats Directive - animal species.
- National law and regulation (normally related to hunting, fishing or nature conservation) - animal species.
- Scope of illegal actions: Poaching; Illegal killing for sport; Control of predators/pests and retaliation; Illegal catching, incl. for pets; Illegal collection of eggs; Trading (all part of the trade chain including transportation, trafficking, sale, possession, consumption; the financing of such activities; laundering of species) ; Non-selective catching and killing that is potentially (and knowingly) endangering protected species i.e. poisonous bait, unselective and illegal nets, unselective traps; Trapping and/or harming;
- Types of crimes not included (but optional):
 - Harms to the ecosystem in general (i.e. fires and oil spills)
 - Other forms of environmental crime (i.e. illegal waste dumps)
 - Illegal killing of a non-protected species (i.e. shooting of wild boar)
 - Illegal fishing of a non-protected species, outside the fishing period or without fishing permit
- Timeframe of cases collected: 2015 - 2020: All relevant cases at any stage of their development during the time frame 2015 - 2020 (e.g. in case of courts - any available cases, not only those which have been finalized but also those under the process).

III.3. Methodological notes – specificities of the Slovak survey – accessibility, completeness and consistency of data

In relation to data collection, all relevant institutions and organizations were contacted. In some cases, data and information requested could not be obtained from the existing records of these institutions due to differences in data structure. The approach of all key institutions was very positive, providing us with both the interviews and available data.

The aggregated data were mostly obtained from freely accessible sources published on the websites of the relevant organizations, either in the form of statistical outputs or annual reports. Judicial decisions were obtained mainly from the website of the Ministry of Justice² and also from the Open Courts³ portal operated by Transparency International. Specific courts and district authorities provided relevant decisions upon request.

Several issues were noted relating to the change in the methodology for publishing statistical data by institutions over the past years. Notably:

- The methodology for the collection and evaluation of court statistics has been revised since 2018. For that reason, 2015-2017 datasets are not comparable with those from the period 2018-2020.

² Ministry of Justice SR, Decisions, [website], <https://obcan.justice.sk/infosud/-/infosud/zoznam/rozhodnutie>, (accessed 10 November 2021)

³ Transparency International Slovensko, 'Decisions'. Open Courts, [website], <https://otvorenesudy.sk/decrees?l=sk>, (accessed 5 December 2021)

- Similarly, there have been changes in the methodology of data collection, or in information systems also at the level of the General Prosecutor's Office of the Slovak Republic, thus the year-on-year comparison is complicated. The General Prosecutor's Office of the Slovak Republic realised the check of files of environmental cases in 2021. Thanks to this, up-to-date detailed information on criminal acts from all County Prosecutor's Offices and District Prosecutor's Offices for the last four years is available.
- In the case of detailed case data from Police Force sources, only cases from 2018 onwards were processed, as sufficiently detailed information on individual cases was not available for previous years.
- Database of court decisions accessible at the Ministry of Justice's website does not provide an exhaustive list of court decisions. Its completeness depends on the capacity and technical equipment of individual courts.
- Quality of some databases depends on cooperation between institutions. As an example, the Ministry of the Environment - CITES Executive Body maintains a database of CITES-related administrative offenses/ infringements, including information on violations obtained from the SEI, the Customs Administration and the District Authorities. However, information on criminal acts registered with the CITES Executive Body is not exhaustive, as there is no obligation to inform the SEI or CITES Executive Body of the outcome of the proceedings.

IV. General information about Slovakia

Slovakia is an inland country with the forests covering about 41% of the area. There is 816 taxa of protected animal species that occur in Slovakia. However, this number does not include the taxonomic group of birds, as all bird species naturally occurring in the territory of the Slovak Republic are protected.⁴ Basic information about Slovakia is summarized in Table 1.

Table 1: Basic information about Slovakia

Slovakia – basic country attributes	
Area: ⁴ Chyba! Záložka nie je definovaná.	49 034 km ²
Population: ⁵	5 458 827 inhabitants
Population density: ⁵	111,33 inhabitants / km ²
EU Member since:	May 1, 2004
Economic indicators (2019 data) ⁶	
Gross Domestic Product (GDP)	92 079,3 mil. EUR
Regional gross domestic product per capita	17 212,723 EUR

⁴ Ministry of the Environment of the Slovak Republic, 'State of the Environment Report of the Slovak republic 2019'. Ministry of the Environment SR, Bratislava, Slovak Environmental Agency, Banská Bystrica, 2019, pp. 182, <https://www.enviroportal.sk/uploads/report/10661.pdf>, (accessed 5 December 2021)

⁵ Statistics Office SR, 'Population density – SR, regions, countries, districts, city, countryside', STAT.dat - Public database [website], Last data update 21.03.2021, <http://statdat.statistics.sk/>, (accessed 5 November 2021)

⁶ Statistics Office SR, 'Revised data on GDP. Public database', STAT.dat - Public database [website], Last data update 21.10.2021, <http://statdat.statistics.sk/>, (accessed 5 November 2021)

Share of land types (2019) ⁴ Chyba! Záložka nie je definovaná.			
Arable land	48,5 %	Built-up areas	4,9 %
Forest land	41,3 %	Other	3,4 %
Water areas	1,9 %		
Protected areas (2019 data) ⁴		1 147 078 ha (23,39% of the area of SR)	
Biogeographical regions:		Alpine and pannonian	

The illegal activities against wild fauna and flora include in particular the following:

Poisoned predator baits: In recent years, there have been several cases of animal deaths recorded due to poisoned baits, especially in the lowlands. The victims are usually birds of prey. The databases of the organizations Raptor Protection of Slovakia and SNC SR show that out of 98 cases of bird deaths registered in the years 2015-2020, up to 51 concerned poisoning⁷. Offenders want to decrease the number of these species as they think them responsible for a low number of hare or pheasants. According to some sources, also pigeon and poultry breeders are among the offenders, defending these activities as a protection of their property. These cases are difficult to detect for the complexity of securing evidence.

Nest robberies: There have been several cases of nest robberies recorded in the past in relation to birds of prey species. Conservationists and law enforcement agencies have been able to hamper this activity to a large extent, although it has not been completely suppressed. Successfully investigated cases with legally convicted offenders have played a positive role in deterring other potential offenders from this activity.

Illegal trade in CITES species: MoE SR states that the CITES permits are issued the most for the birds of prey species, parrots, terrestrial turtles and felids. However, the extent of illegal trade in CITES species is not sufficiently mapped. Law enforcement and CITES authorities point out that Slovakia is a country with serious crimes being committed, even though no one has yet been adequately convicted. Some offenders carry out illegal activities alongside with other legally approved activities (breeding), making it hard to detect. Investigative journalists⁸ as well as the TRAFFIC⁹ have pointed out the involvement of Slovakia into the illegal trade in tiger body parts.

Poaching and killing of protected species: These activities are carried out for trophies (wolf, bear, lynx), meat (bear) or to eliminate their predatory impact on the game. In recent years, an increase in the illegal killing of large carnivores could be seen as a result of the growing human-wildlife conflict. Increased reports of human – livestock - large carnivores encounters, as well as the first case of a human killed by bear, have led to a further escalation of tension.

⁷ Data from vtaciakriminalita.sk supplemented by data provided by SNC SR

⁸ Holcová P., Antoni D., Madleňák T., Dauksza J., Szczygiel L., 'Tigers as commodities: on the trail of trade in protected animals and their body parts in Central Europe'. Jan Kuciak Investigative Centre. Published 16.7.2020, <https://www.icjk.sk/56/Tigre-ako-tovar-Na-stope-nelegalnemu-obchodu-so-zvieratami-a-ich-telami-v-strednej-Europe>, (accessed 5 December 2021)

⁹ Musing L., 'Falling through the system: The role of the European Union captive tiger population in the trade in tigers.' A TRAFFIC and WWF report. 2020. Cambridge, UK, pp. 124, <https://www.traffic.org/site/assets/files/13230/falling-through-the-system.pdf>, (accessed 22 December 2021)

Almost immediately after the first deadly attack on a human, illegally killed bears were found demonstratively left near the human settlements.

In addition to the above, **habitat destruction and large-scale illegal logging** takes place. These activities may affect the population of protected animals, however, they are not the subject of this report.

V. Legislation concerning wildlife crime and competences

V.1. Legislation and provisions on wildlife crime

a) General introduction of the country legal framework on wildlife crime

The detection and prosecution of WLC-related offenses takes place in the framework of the criminal law (in case of serious violations of the law) and administrative offense law (for less serious offenses). Crimes are regulated by the Criminal Code¹⁰ and the process of prosecuting them by the Criminal Procedure Code¹¹. Criminal proceedings are led against natural person. In case of some criminal acts (such as violations of plant and animal protection, Section 305 of the Criminal Code), they can also be led against legal persons.

Liability for administrative offenses applies to proceedings where the offender - a natural person - violates the provisions of the Administrative Offenses Act¹² (e.g. administrative offences related to hunting and fishing) or one of the other 30 or so laws that govern administrative offenses. This includes e.g. the Act on Nature and Landscape Protection¹³, Act on the Protection of Species of Wild Fauna and Flora by Regulating Trade in Them (so-called CITES law)¹⁴ and others¹⁵.

In case of violation of the above regulations by a legal person or an entrepreneur, Slovak legislation uses the term "administrative infringement". Related legislation is rather fragmented, there is no general law on the administrative liability of these entities, such as in the case of administrative offenses. Subject matters of the administrative infringements are found in a number of laws.

¹⁰ Criminal Code 300/2005 Coll.

¹¹ Criminal Procedure Code 301/2005 Coll.

¹² Administrative Offense Act 372/1990 Coll.

¹³ Act No. 543/2002 Coll. on Nature and Landscape Protection

¹⁴ Act No. 15/2005 Coll. on the Protection of Species of Wild Fauna and Flora by Regulating Trade in Them

¹⁵ Act No. 39/2007 Coll. on Veterinary Care, Act No. 274/2009 Coll. on Hunting, Act No. 216/2018 Coll. on Fisheries.

The difference between a criminal act and an administrative offense (or administrative infringement) in Slovak law depends on the damage caused or the extent of the unlawful act. In general, an act of damage up to 266 EUR is considered an administrative offense, above this amount it is considered a criminal act.¹⁶ However, when it comes to e.g. breach of plant/animal protection, the law requires that the damage caused is to be higher, namely 2 660 EUR, to be classified as a criminal act. Up to this level of damage, the act is dealt with as an administrative offense or other administrative infringement.

The amount of damage is not determined at the initial stage of the case, thus it is not clear at the beginning whether it is an administrative offense or a criminal act.

As the quantified damage is important for the WLC prosecution, it is necessary to note that Slovakia defines the damage as the sum of environmental damage and property damage, while the latter one also includes the costs of restoring the environment. The calculation of environmental damage and property damage is based on the so-called social value of habitats, trees, protected plant and animal species. The social value of individual components of the environment is defined in Section 95 of Act No. 543/2002 Coll. on nature and landscape protection. Details of the calculation of the specific amount of social value for a given species can be found in the annexes to the Decree of the Ministry of the Environment 24/2003 Coll.¹⁷

Also severity of the sanction for a criminal act is differentiated according to the damage caused. Severity of the sanction increases significantly in case the damage is defined as "substantial" (EUR 26 600) or as "a large-scale damage" (EUR 133 000).

b) Provisions on wildlife crime

Criminal law currently anchors a total of 13 environmental crimes, while the WLC-related is a violation of plant and animal protection (§ 305) and poaching (§ 310), within the frame of this project related strictly to the protected species.

However, other crimes can also be closely related to WLC, such as illicit armament and arms trafficking in connection with poaching (§ 294), illicit manufacture and possession of high-risk chemicals and high-risk biological agents and toxins in connection with poisoned baits (§ 298 and § 299).

Prosecution for all WLC-related offences can be brought against a natural person, while legal persons can only be prosecuted for violation of plant and animal protection (Section 305).

An overview of the laws governing WLC-related crimes and administrative offenses/administrative infringements is given in the Annex 1.

However, legislation on environmental crime is not stagnant. As of 1 February 2022, the amendment to the CITES Act aimed at keeping large felids, primates and bears, which

¹⁶ In December 2021, a draft amendment to the Criminal Code was submitted for inter-ministerial comment, which shifts the threshold of damages decisive for prosecution from EUR 266 to EUR 500. The proposal has not yet been approved.

¹⁷ Annex 5 of the Decree contains the social value of protected plants, Annex 6 details the social value of protected animals, Annex 32 the social value of birds. In the case of the procedure under Act No 15/2005 Coll. (CITES) concerning non-indigenous species, it is the CITES Scientific Body who determines the social value.

prohibits the keeping and breeding of these animals in private farms, came into force. It allows the possession of already bred individuals, but only for their survival. This measure is intended to prevent an increase in the number of breeders as well as specimens held in captivity. The amendment seeks to prevent animals from these farms from being trafficked.¹⁸

Also, the proposal to amend the Criminal Code is in the inter-ministerial comment procedure as of December 2021, and includes an increase in the penal rates for more severe forms of WLC. For example, for damage or proceeds of crime of over EUR 1 million, it sets a prison sentence of 10-15 years. It is not yet clear whether this change will be adopted.

c) Potential areas for improving wildlife protection provisions

Several law enforcement agencies have concluded that the WLC-related legislation is relatively well set up and as strict as it should be, requiring only minor adjustments. The issue, however, is its application in practice.

Following are the general shortcomings identified during the interviews:

- **Overformalised criminal proceedings:** too detailed rules of procedure, repetitive operations, spreading the prosecution over too long a period of time – all of this provides ample opportunity for the case to end other than with the conviction of the offender. The passing of time creates room for greater or lesser differences, e.g. in the testimony of witnesses or in the assessment of evidence. These differences can then form the basis for the application of the principle "in dubio pro reo", in case of doubt it is decided in favor of the accused. (An amendment to the criminal law is currently under discussion, which aims to simplify the criminal process and also to increase the penal rates for environmental crimes.)
Repetitive operations, sometimes with extreme emphasis on formality, also create room for challenging and annullments of decisions at a later stage. This is due to alleged procedural errors, however, it is sometimes questionable whether these 'procedural errors' had any negative impact on the proceedings and the rights of the parties. Discussions are currently underway at the expert level on changes to the procedural rules of criminal procedure, which should result in a reduction in the formalisation of the criminal process.
- **Fragmented legislation:** a permit issued in accordance with one law is later interpreted as conflicting with another law
- **Absence of rules of procedure in the area of administrative sanctioning:** E.g. when sanctioning natural persons in administrative offense proceedings, there is a so-called concurrence (sanction is imposed according to the strictest of the acts). However, administrative infringement of legal persons are governed by another regulation, the Act on Administrative Procedure, within which acts are sanctioned separately. However, some courts interpret this as incorrect, insisting that only the most severe act should have been punished (as in the case of concurrence), for which, however, the administrative authority lacks a legal basis when imposing a sanction.

¹⁸ Ministry of the Environment, 'CITES law amendment will help biodiversity conservation' [website], <https://www.minzp.sk/spravy/novela-cites-pomoze-zachovaniu-biodiverzity.html>, Published 16.09.2021, (accessed 2 December 2021)

- **Absence of strategy on combatting WLC:** strategic level. In recent years, a draft "Action Plan to Combat Environmental Crime 2020-2025" was prepared by representatives of several law enforcement agencies under the leadership of the Police Presidium. The draft covers the whole environmental area, including the WLC, and aims to make the fight against environmental crime more effective. The document was subject to an inter-ministerial comment procedure, but was not approved.¹⁹

Inconsistency of legislation - The Nature and Landscape Protection Act in some respects conflicts the Hunting Act. Protected species, large carnivores including, are listed as game species. This collision sometimes causes that the offenders are not convicted of shooting such species. In the past, law enforcement authorities have recorded cases of wolves shot in violation of the Nature and Landscape Protection Act, where a court ruled that the offender had acted in accordance with the Hunting Act. Some experts state that this situation persists even after the introduction of year-round wolf protection in 2021.

Shortcomings related to the use of irreplaceable trophy tagging: The hunter is obliged to seal the shot animal with a unique irreplaceable tag, the so-called seal. If he does not do so, there is usually only a disciplinary measure taken against him. However, the experience of the Rangers Service points to cases of abuse where one seal was used on several individuals. At the same time, there is no public record of trophies, which would allow for verifying the identity of a trophy holder.

Illegal poisoning as a prohibited method of hunting versus the killing of a protected animal: In the case of illegal poisoning, the offender is usually convicted of using a prohibited method of hunting by poisoned bait or of a possession of prohibited toxic substances²⁰, but not of animal poisoning. In case the poisoned animal is not found and thus the direct link between the poisoned animal and the poison is not confirmed, it is very difficult to prove that the poisoned bait should have endangered the protected animal.

Following CITES-related shortcomings were identified during the interviews:

Interpretation of EU Regulation No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (CITES): Unless a Member State requires the documentation on acquisition of an Annex B species or its register records, a Slovak citizen who purchases a species in such a country does not have documentation of the legal origin of the species for the purpose of national control, which is required according to the Slovak legislation.

Misuse of the provision "Gift" to circumvent the ban on commercial activities in CITES Appendix A species: Commercial activity with Annex A species of EU Regulation no. 338/97 on CITES is prohibited within the Art. 8 par. 1 of Regulation no. 338/97, however, this ban

¹⁹ Ministry of Interior of the Slovak Republic, 'LP/2020/4 Action Plan to Combat Environmental Crime 2020-2025. SLOV-LEX - legal and information portal'. Non-legislative general material. Evaluation of the inter-ministerial comment procedure. <https://www.slov-lex.sk/legislativne-procesy/-/SK/LP/2020/4>, (accessed 20 December 2021)

²⁰ Decision of the Regional Court Nitra 1To/58/2021 dated 12.10.2021 and decision of the District Court Nové Zámky 2T/57/2020 dated 1.6.2021

has long been circumvented by "donating" these rare species or their specimens. The gift thus makes it possible to circumvent the ban on commercial activities.

Online sales of CITES species: A number of issues arise in relation to the online sale of CITES species. Both the identification of the offender (the owner of the phone number listed with the seller offering a CITES species on the Internet) and the actual prosecution, delivery of mail, etc. are complicated.

Lack of control bodies' competencies in the control of breeders: Controls on breeders are often ineffective also because of the lack of competence of the control bodies. An example is the supervision of the handover of dead specimens of selected felid species for disposal or further processing, which is carried out by the SNC SR. The SNC SR does not have the authority to record a unique identifier of CITES species holders (e.g. ID card number), which would allow unambiguous identification of the keeper.

In practice, control of dangerous animals' chips was also problematic if the owner allowed for the chip to be read but did not ensure physical handling of the specimen. According to the amendment to the CITES Act effective from 1 February 2022, the obligations of the inspected person have been strengthened: they must allow the identification of the individual and its inspection, including ensuring the handling of the individual during the reading of the chip.

Unresolved issues regarding seized individuals: a number of issues arise with seized or confiscated individuals. For example, it is not settled by legislation who owns the individuals propagated in the course of seizure. If the individual is to be returned to the original owner, it is not clear whether the offspring of the individual are also to be returned to the original owner. It is also unclear what is to happen to seized animals when the offender dies during the proceedings and the individuals are still in the detention centre.

Lack of a functional CITES information system (IS): the existing CITES database, which is used for issuing documents and registering offences at the Ministry of Environment of the Slovak Republic, has a number of shortcomings. A positive example is the so-called "CITES Register"²¹ in the Czech Republic, which enables all competent state administration authorities to manage the CITES agenda comprehensively in electronic format, e.g. for the issuance, management and control of CITES documents, the management of a centralised database of seized illegally held specimens, the registration of offences, etc. The system would, inter alia, increase active control and help to detect illegal activities more easily.

²¹ Ministry of the Environment of the Czech Republic, 'CITES Register', [website], <https://cites.env.cz/>, © 2018 SYSNET s.r.o, Ministry of the Environment of the Czech Republic (accessed 8 December 2021)

V.2. Analysis of the competent public authorities

a) Administrative authorities

There are positive points to be said about the system in Slovakia:

- Specialisation at the level of the Police, made possible by the establishment of the Hazardous Materials and Environmental Crime Detection Unit (hereafter abbreviated as HMECDU) directly at the Police Presidium, which deals exclusively with environmental crime.
- Specialisation of prosecutors in crimes against the environment (note: specialisation established at all levels of the prosecutor's office).
- The existence of a specialized control body with nationwide competences, the Slovak Environmental Inspectorate (SEI).
- Operation of the CITES Executive Body under the Ministry of the Environment, which is positive compared to countries where it operates under ministries that are not focused on environmental protection and are therefore not their priority.

An overview of administrative bodies and institutions is made in the Annex 2.

b) The country's judicial system and procedures for offences related to wildlife conservation

Courts: The hearing of WLC acts is in the first instance the responsibility of the district courts, appeals are heard by the county courts and extraordinary appeals are decided by the Supreme Court. In the case of administrative proceedings and review of decisions on administrative offenses or other administrative infringements, the regional courts are the first instance courts and the Supreme Administrative Court is the court of appeal. The Constitutional Court reviews decisions of the general courts if they have violated constitutional rights. Judges do not specialize in environmental crimes.

Prosecutor's Office: Since 2008, the prosecutor's office has had specialists in environmental crime at all levels of the prosecutor's office. These are prosecutors who are prioritised with cases related to environmental crime, but also have to deal with other agendas alongside this one. Exclusive specialisation of prosecutors only on environmental crime is not possible at present due to the workload and staffing of the prosecutor's office.

Training: The training of judges and prosecutors is mainly carried out through the Judicial Academy of the SR. Training programmes related to environmental crime have so far been offered more or less once a year.²² Prosecutors also occasionally attend training organised by other law enforcement agencies or other organisations, but there are not many opportunities for this type of training. At regular intervals, working meetings of prosecutors - specialists in environmental crime are organised, to which representatives of the Presidium of the Police

²² Judicial Academy of the Slovak Republic, Curriculum Archive and Calendar of Educational Events [website], <https://ja-sr.sk/archiv-studijnych-planov-kalendar-vzdelavacich-podujati>, (accessed 20 October 2021)

Corps, the Hazardous Materials and Environmental Crime Detection Unit, as well as representatives of other state bodies and NGOs are invited as necessary.

c) Other actors

There is no NGO dedicated exclusively to WLC in Slovakia. The non-governmental organisation **Raptor Protection of Slovakia (RPS)** is the only one that has long been dedicated to the topic of bird crime and is the most experienced in this area. It is often involved in international projects and has long-term cooperation with the Presidium of the Police Corps, the Hazardous Materials and Environmental Crime Detection Unit. RPS operates the portal vtaciakriminalita.sk²³, where it publishes a database of cases of bird crime and other illegal activities involving birds.

Mention should also be made of the **Slovak Rangers Association (SRA)**, which is a voluntary association of professional nature conservation staff and volunteer rangers. Its members oversee compliance with applicable regulations and participate in the monitoring of rare species and implementation of measures to protect them.²⁴

Other NGOs address this issue only marginally. At the same time, NGOs are among the actors that could and should help intensify the fight against WLC latency.

No non-governmental organization has addressed the issue of CITES in Slovakia so far. Some conservation organizations have done so in the past, but only marginally. Also, there is no service in Slovakia that would monitor illegal trade in the online space.

d) Collaboration

National cooperation

Platforms of cooperation at the national level: A "National Expert Group on the Elimination of Environmental Crime" (NES) has been established in Slovakia. The meetings are convened by the Presidium of the Police Corps. Its members are representatives of law enforcement agencies as well as representatives of other relevant institutions. The expert group deals with specific conceptual tasks in the fight against environmental crime. It has 4 subgroups, one of which is set up for CITES and "Wildlife Crime" and the other for "poaching"²⁵.

²³ Raptors Protection of Slovakia, 'Database of cases of bird crime and other illegal activities involving birds', [website], <http://37.9.171.109/symfony-rps-kr-doctrine-pgsql/sk/delinquencywww.vtaciakriminalita.sk>, (accessed 23 September 2021)

²⁴ Slovak Rangers Association, 'Who is a ranger a member of the Rangers Service?' [website], www.aschus.nfo.sk, (cit. 06.12.2021), (accessed 6 December 2021)

²⁵ Ministry of Interior of the Slovak Republic, 'National Expert Group for the Elimination of Environmental Crime', [website], https://www.minv.sk/?NES_enviro, (accessed 10 October 2021)

Cooperation between institutions takes place at two levels - within the framework of legislative obligations and at the informal level, where it takes place on the basis of personal contacts.

Cooperation between institutions works relatively well in the preparation of new legislation and in the area of education. When it comes to cooperation at the level of criminal and misdemeanour proceedings, there is room for improvement, in particular in information sharing and communication streamlining.

Cooperation between institutions in the preparation of new legislation and in education works reasonably well. As regards cooperation at the level of criminal and administrative proceedings, there is room for improvement, in particular as regards the sharing of information between the institutions and the streamlining of their communication.

Crossborder / International cooperation

In the area of crime, the Police cooperates with both EUROPOL and INTERPOL. In the area of prosecution, cooperation is taking place at EUROJUST level. Cooperation is implemented through the European Investigation Order. Since 2018, police representatives have been acting as "co-drivers" for the environmental crime priority within the European Multidisciplinary Platform against Criminal Threats (EMPACT).

Within the police and prosecution, cross-border cooperation is carried out through so-called Joint Investigation Teams (JITs), which are set up on an ad hoc basis for specific cases and deal with, for example, smuggling, exclusive preparations, etc. During the reporting period, the Police was part of a JIT between the Czech Republic, the Slovak Republic and Hungary. The investigation focused on illegal activities related to trophies of endangered species.

In the field of administrative offenses/ infringements, international co-operation is much more problematic and it is not standardized at the same level as criminal co-operation.

There is good cooperation between the CITES Executive and Scientific Bodies, especially at EU level. Representatives of CITES Executive Bodies, CITES Scientific Bodies and EU Member States' enforcement authorities meet regularly under the leadership of the EC. These meetings are also attended by representatives of the relevant Slovak bodies (MoE SR - CITES Executive Body at the meetings of the so-called "Group of Experts" and "Management Committee", SNC SR - CITES Scientific Body at the meetings of the so-called "Scientific Review Group", representatives of SEI, Police and MoE SR are members of the so-called "Enforcement Group" - the CITES Law Enforcement Group.

e) **Shortcomings at organisational level**

Damage recovery: Case analysis and interviews have shown that the damage incurred by a wildlife crime is not recovered. Although the courts in criminal proceedings state the guilt of a particular offender and also the amount of damage, they do not decide on compensation directly in the criminal judgment/ conviction. Instead, they refer the injured party (in this case

the state represented by the relevant District Authority) to recover the damage in a special civil proceeding.

Based on the replies of 50 District Authorities, this damage had not been even once enforced in the civil proceedings. In two cases, when it was a matter of recovery of "property damage" for Fishermen's Association due to the death of fish, and in the other case due to the killing of an animal where the damage was recovered by a hunting association, the courts decided about the compensation of this particular damage directly in criminal proceedings. However, with regard to the recovery of the so-called "social value" of the species the courts referred the district authorities (or sometimes the protected area administration) to recover the damage in civil proceedings. According to our information, this is not happening, though. Although the district authorities, as representatives of the injured party (the state), act in criminal proceedings, they do not carry out the subsequent recovery of the damage in special civil proceedings. They justify this by saying that they do not have the necessary professional and sufficient staff capacity to handle this type of dispute - their broad agenda does not allow them to devote time to such demanding activities as litigation.

District officials also stated that they lacked sufficient methodological support and guidelines on how to proceed in recovering damages in civil proceedings. A special reservation was also put across that the position of the district authorities as a representative of the injured party in criminal proceedings may conflict with its position of an independent body, where the same district authority decides about a committed administrative offense/infringement (if the original criminal proceedings were assigned to administrative proceedings before the district authority). We have rarely met with the statement that the employees of the district authority do not consider the recovery of damages to be their duty and competence.

We consider this finding to be extremely serious. By not enforcing the damage caused to the protected species, the offender does not have to compensate for this damage. The effect of criminal proceeding against the offenders is thus much lower. In addition, the state loses out on funds in the hundreds of thousands of EUR, which could be used, for example, in the field of species protection.

Lack of capacities and staff in general: Given the amount of agenda that individual institutions or their respective departments have to deal with, their capacities are significantly underestimated. The amount of minor cases means that the bodies dealing with offenses and administrative offenses (SEI) have limited opportunities to deal with key cases that require a focused commitment. The consequence is also that work in the area of detection / investigation / prosecution of this type of environmental infringements is rather reactive, and mainly reported cases are dealt with.

Insufficient specialization and too broad an agenda: The environmental infringements agenda is very broad and complex. In some institutions, the system is set up in such a way that the individual should comprehend the entire environmental agenda (including air, water, waste, etc.) or even an agenda of completely different areas (e.g. in the prosecutor's office, courts, district police departments). The consequence of an overly broad and complex agenda is lower degree of specialization, which results in possible procedural errors, insufficient collection of evidence, etc.

Inadequate evaluation and high staff turnover: Inadequate evaluation of work as well as a relatively demanding agenda contributes to high staff turnover. Financial and time investments in staff training are thus often only short-lived. The high workload, the complexity of the work, the insufficient capacity and also cases where the investigation is, for various reasons, terminated without sanctioning the offenders, contributes to a loss of motivation and burnout.

Lack of experts: Effective clarification of WLC cases is also hampered by the lack of experts: lawyers, experts, veterinarians, CITES species experts. In some cases, the reason is lack of valuation. There are also cases of potential conflicts of interest that make it difficult or impossible for experts to participate in clarification (e.g. if species experts are also breeders, if a veterinarian has to clarify a case where his client is involved, etc.).

A specific shortcoming we encountered in the interviews is the absence of lawyers in SEI, especially in the decision-making process when imposing liability. Ensuring a lawful and fair decision-making process requires addressing serious application issues, including knowledge of not only Slovak CITES legislation but also commercial, civil, constitutional law, as well as European and international law, knowledge of Slovak and European case law, as well as the case law of the European Court of Human Rights.

The employee of the state administration body - zoologist, botanist - must master not only the professional issues but also the extensive legal field, which is crucial when imposing fines. Moreover, there is no specialised institution in the Ministry of the Environment of the Slovak Republic that would systematically educate the employees of state administration bodies (SEI and DA).

Technical equipment of some institutions is not adequate to their needs. Specific and serious issue should also be mentioned - the only **detention centre for exotic species** (in which detained and confiscated individuals are kept) has its capacities used to the full, as many individuals remain in it for years. This in turn causes the competent authorities to be reluctant to appropriate the individuals, as they have nowhere to place them. A special problem is posed, for example, by large felids, for which it is very difficult to provide such facilities.

The language barrier prevents potential applicants from attending international trainings, conferences or professional working groups. Insufficient knowledge of English is also a barrier to the use of international databases and their updating. Relatively easily accessible manuals, handbooks and other materials that institutions could use to train their staff need to be translated into the national language.

Weaknesses in cooperation between institutions at national level:

The lack of communication is not only between individual departments, but is also indicated by institutions within the environment department itself. In contrast, the communication and cooperation between the prosecutors of the General Prosecutor's Office of the Slovak Republic and the Police (HMECDU) was assessed positively.

The cooperation and flexibility of professional organizations and state institutions is in some cases perceived as a problem. Especially in the initial investigations of criminal acts or administrative offenses/ infringements, which are crucial for the timely and appropriate

safeguarding of the evidence. In some cases, it was difficult to ensure the co-operation of several institutions if the crime scene inspection was to take place over the weekend or outside the standard working hours.

A number of government bodies in the environment department feel there is a shortcoming in **not knowing how a case has ended up at the level of prosecution or court proceedings**. This is in spite of the fact that law enforcement authorities fulfil their obligation under the Criminal Procedure Code to provide information to specific procedural actors. As a result, many institutions/organisations lack feedback on cases they have reported, dealt with or otherwise participated in. At the same time, feedback on a case is not only of informational value, but for many it is also important from a motivational point of view.

Gaps in international cooperation:

Within the framework of international cooperation, shortcomings such as **insufficient communication, non-response to requests, length of performed services and poor quality of request processing** were often mentioned. Due to the great extent of formalism used in Slovak legal system, the requests of information have given structure to meet certain requirements. However, the information that can be obtained from abroad is often of lower quality and therefore non-usable under our law. Cooperation with countries outside the EU is especially problematic. In general, the quality of cooperation depends very much on personal contacts.

A number of issues also arise in connection with the issuance of CITES documents. Some countries issue documents with errors and do not cooperate in the subsequent necessary correction. If a citizen of the Slovak Republic purchases a species for which another EU Member State has issued an incorrectly completed document, this may cause subsequent problems for national control.

In the case of CITES permits, the problem is also the **different interpretation** of the EU Regulation between EU Member States. An example is "commercial activity" - in Slovakia, breeding of CITES species is considered a commercial activity if the breeder sells the species. In some countries, however, such breeders may be viewed less strictly and see commercial breeding as an activity that contributes to the conservation of the species. In turn, some do not distinguish between the conditions for exemptions for the sale of first generation species (so-called F=born in captivity), where there should be strict conditions (e.g. sale for education, species conservation, etc.), and those of individuals born and bred in captivity (so-called C=born and bred in captivity).

VI. Analysis of infringements related to wildlife conservation

VI.1. Statistical analysis

The following section contains an analysis of information obtained within the project, especially of crimes and administrative offenses/ infringements in the structure: types and scope of WLC, results of prosecution and penalties.

VI.1.1 Crimes

a) Scale and types of recorded WLC

As part of the project, criminal acts related to plant and animal protection violation (Section 305 arts 1, 3, 4 of the Criminal Code) and to poaching of protected species (Section 310 of the Criminal Code) were monitored. Data of the Ministry of the Interior (Table 2) and the General Prosecutor's Office of the Slovak Republic were used (Table 3).

The evaluation of WLC data resulting from aggregated data is complicated by changes in data collection and evaluation methodologies over the years under review, differences in data structure between institutions, as well as the specific nature of the information requested - e.g. there are statistical data for the provision of the Criminal Code as a whole, but only some articles of the given section are relevant for the project, and these cannot be quantified from the total number. For example, Section 305 on violation of species protection also contains article 2 - cases of using motor vehicles in protected areas - while these acts are not the subject of the project. The statistics on Section 310 on poaching, in turn, contain data on many cases that do not concern the protected species targeted by this report.

In the case of violations of plant and animal protection (§ 305 of the Criminal Code), the data in Table 6 are mainly relevant. **It shows that in the period 2015-2020 there were 271 cases of violation of plant and animal protection (Section 305 (1), (3)), of which 95 cases were resolved and resolved at a later stage.**

In the case of the crime of poaching (Section 310 of the Criminal Code), the Ministry of the Interior records a total of **1,781 cases for the period 2015-2020, of which the 1,164 cases were resolved and resolved at a later stage** (Table 2). However, vast majority of this data relates to game species. Information contained does not allow for following the wildlife crime cases specifically.

Table 2: Crime statistics of the Ministry of the Interior²⁶ for the years 2015-2020 by sections

Criminal acts	2020		2019		2018		2017		2016		2015	
	§ 305	§ 310	§ 305	§ 310	§ 305	§ 310	§ 305	§ 310	§ 305	§ 310	§ 305	§ 310
Reported	224	305	118	296	76	310	63	263	99	284	158	323
Resolved/resolved at a later stage	167	178	80	185	45	215	35	169	71	183	78	234
Total No. of persons	169	207	79	197	46	245	39	194	71	215	88	273

Table 3: General Prosecutor's Office's²⁷ overview on prosecuted and charged persons by sections for the years 2015-2020

Persons prosecuted and accused	2020		2019		2018		2017		2016		2015	
	§ 305	§ 310	§ 305	§ 310	§ 305	§ 310	§ 305	§ 310	§ 305	§ 310	§ 305	§ 310
Criminal prosecution of known persons finalised	131	202	69	162	43	185	44	180	65	209	85	237
Persons charged	60	130	24	103	18	113	28	118	31	135	59	138
Conditionally terminated by a prosecutor	33	45	26	42	13	46	9	36	24	32	12	61
Plea bargain	22	17	13	7	9	6	5	11	6	32	6	26
Court settlement	13	6	4	6	1	13	1	12	3	5	2	8

Table 4: Crime statistics of the Ministry of the Interior for the years 2015-2020 by articles

Year	2020		2019	2018	2017	2016	2015	Total 2015-2020
Section 305 criminal acts	§ 305		§ 305	§ 305	§ 305	§ 305	§ 305	
	art 1	art 3	art 1					
Reported	28	5	25	27	26	47	113	271
Resolved/ resolved at a later stage	7	5	4	6	8	19	46	95
Total No. of persons	7	4	4	9	14	26	59	123

²⁶ Ministry of the Interior of the Slovak Republic, 'Crime statistics in the Slovak Republic', [website], <https://www.minv.sk/?statistika-kriminality-v-slovenskej-republike-csv>, datasets - statistics by sections, (accessed 11 July 2021)

²⁷ General Prosecutor's Office of the Slovak Republic: 'Statistical overviews of criminal and non-criminal activities', [website], <https://www.genpro.gov.sk/statistiky-12c1.html>, (accessed 12 October 2021)

Detailed information on crimes clearly falling into the WLC category under this project were obtained for 72 cases.²⁸ We assume the number of crimes committed in the period to be higher, however, more data containing information on WLC crimes in the necessary structure and detail were not available.²⁹

The cases for which more detailed information was obtained, were analysed. These included cases where we could see the case development at various stages, the exact subject matters of the crime, facts on the offender and in case of terminated cases, also on penalties.

Out of the 72 cases analysed, 45 cases involved the breach of plant and animal protection (Section 305 (1)), while 1 case was later reclassified as another criminal act. In 13 cases, there was a violation of CITES legislation or a violation of plant and animal species protection in a greater extent (Section 305 (3)). The most serious forms of crimes were prosecuted in 3 cases (Section 305 (4)). These violations were committed alone or in combination with other violations (e.g. Section 310, but also others).

27 cases related to poaching (Section 310). Of these, 7 cases were combined with other infringements (Table 5).

Table 5: Selected violations of the law in the analysed crime cases

Violation of the law	Section (article)	No. of cases
Violation of the plant and animal species protection	305 (1)	45
Violation of the CITES legislation or violation of the plant and animal species protection in greater extent	305 (3)	13
The most severe forms of the above	305 (4)	3
Poaching	310	27

In some cases, the prosecution also included the criminal act of illicit armament and arms trafficking (Section 294 of the Criminal Code), or the illicit manufacture and possession of nuclear materials, radioactive substances, high-risk chemicals and high-risk biological agents and toxins (Section 298 of the Criminal Code).

In terms of how the crime was committed, the most common was the killing of an animal - in 43 cases, 8 of which were shooting. In 7 cases, the species concerned were the gray wolf (*Canis lupus*), the brown bear (*Ursus arctos*) and in 1 case it was the European bison (*Bison bonasus*). In 7 cases, the crime was committed by using a poisoned bait, species concerned were mainly the white-tailed eagle (*Haliaeetus albicilla*) and the red kite (*Milvus milvus*), but also other birds of prey. Selected illegal activities are summarized in Table 6, while in addition to these, other crimes were committed as well, such as theft, illegal capture, illegal possession of

²⁸ Data source for 72 cases: 56 cases from the database of the Presidium of Police Corps, provided by the HMECDU- supplemented in 54 cases by data from the General Prosecutor's Office of the Slovak Republic, 10 court decisions from the website of the Ministry of Justice: <https://obcan.justice.sk/infosud/-/infosud/zoznam/rozhodnutie>, 2 cases from the database of the Ministry of the Environment of the Slovak Republic - Department of Regulation of Trade in Endangered Species, 5 cases obtained from the district authorities on the basis of a request for information.

²⁹ Detailed data on individual cases in the Presidium of Police Corps' records were only available from 2018 onwards. Court decisions were searched on the website of the Ministry of Justice, however, it cannot be guaranteed that these are all decisions issued, as not all judgments are automatically published (courts justify this with limited capacity and insufficient technical equipment).

trophies/preparates and others. These illegal activities were committed alone or in combination with others.

Table 6: Selected illegal activities in the analysed crime cases

Type of illegal activity	No. of cases
Killing an animal	43
Killing by poisoned bait	7
Laying out of poisoned bait or possession of poisons	2
Illegal trade, illegal offer for sale	7
Missing permits, documents	4
Failure to keep mandatory records	2
Illegal import	1

Regarding the species against which illegal activities were directed, we collected 117 species records concerning 60 animal species. For 72 cases, 117 species records were registered, in which various types of specimens were registered. The most common groups of animals are listed in Table 7.

Table 7: The most common groups of animals in the analysed crime cases

Animal groups	No. of species records
Birds of prey and owls	44
Large carnivores, including the wild cat	27
Birds (other than birds of prey and owls)	15
Primates	5
Other	26

For 67 cases, the social value of these species was calculated, totalling to the sum of EUR 484,868.

Table 8 lists the most common animal species against which the crimes were committed.

Table 8: The most common animal species in the analysed crime cases

Species name in English	Latin name	No. of cases
Brown bear	<i>Ursus arctos</i>	16
Common buzzard	<i>Buteo buteo</i>	9
Gray wolf	<i>Canis lupus</i>	6
Saker falcon	<i>Falco cherrug</i>	6
White-tailed eagle	<i>Haliaeetus albicilla</i>	4
Red kite	<i>Milvus milvus</i>	4
Long-eared owl	<i>Asio otus</i>	4
Northern goshawk	<i>Accipiter gentilis</i>	3
Golden eagle	<i>Aquila chrysaetos</i>	3
Eurasian lynx	<i>Lynx lynx</i>	2

b) Results of prosecution

What percentage of cases ended (i.e. failure to prosecute, failure to detect offenders, discontinuance, punishment, acquittal, other). Have there been differences in prosecutions between authorities or regions?

Table 9 lists the results of prosecution in the 72 cases which were analysed.

Table 9: Results of prosecution in the analysed crime cases

Results of prosecution	No. of cases
The indictment	15
Suspended as the offender was not identified	15
Terminated	12
Assigned to an administrative offense proceedings	9
Criminal proceeding is pending	4
Conditionally terminated	2
Rejected	1
Others - complete information could not be obtained	14

Following is the list of reasons for termination of criminal prosecution (12 cases):

- the act is not a criminal act and there is no reason to assign the case to another body - 9 cases,
- there is no doubt that the act for which the prosecution is led, has not taken place - 1 case,
- prosecution is inadmissible - 1 case,
- the accused is a juvenile - 1 case.

c) Sanctions

A detailed analysis of court decisions could be made in 15 cases.

A total of 22 offenders were prosecuted. There was one woman and 21 men, 2 of whom were foreigners. 16 offenders were convicted, the penalties are listed in Table 10.

Table 10: Overview of sentences imposed in the analysed court decisions

Penalty	No. of offenders
Suspended sentence of imprisonment	9
Community service sentence	4*
Monetary penalty	3
Seized specimens and weapons	3
Prohibition of hunting	3
Prohibition to hold a managing position in forestry sector	1
Expulsion	1

* all four in one case

In the case of imprisonment, the sentence ranged from 3 to 36 months, the probationary period ranged from 12 to 60 months. The penalty of community service was 100, or 130 hours. In two cases, the fine was €600, in one case it was €3,500.

In 6 cases, the proceedings were concluded other way than by punishment of the offender. In 3 cases, the matter was referred to a misdemeanour, in 1 case the offender was acquitted, in 1 case there was a conditional suspension and in 1 case the guilt was established but the punishment was waived.

In these 15 cases, the courts calculated the social value of the species at EUR 188 898, however, it was never recovered.

d) Accessibility, completeness and consistency of data

As mentioned above, all the institutions contacted have shown willingness and responded to information requests. Some of the information was obtained from published annual reports or aggregated statistical outputs.

The issues that affected the completeness and accuracy of data obtained were often related to the structure of data provided or published. For example, it was not possible to retrieve the protected species category from the crime statistics and thus separate it from cases related to game species (most of data relate to poaching of species that are not the focus of this project). Some issues also arose from the changes in methodology or information systems during the period for which data were collected. Statistical data of the Ministry of Justice for period 2015-2017 could not be compared to data for the period 2018-2020. The Ministry of Justice's database of court decisions is not exhaustive and does not contain all court decisions. In addition, it is not possible to filter data according to more detailed information (e.g. by species, protected species, by violation of CITES legislation, etc.).

e) Trends and regional differences

Regional differences are mainly influenced by the country's geography. WLC cases against specific group of species (large carnivores - bears and wolves), are committed in mountainous districts with a significant forest cover.

In the southern districts, with a high proportion of lowlands and intensive agriculture, it is the bird species that are often victims of illegal activities. An analysis of 98 cases of birdcrime³⁰ cases for the period 2015-2020 shows that up to 63 cases were committed in the districts of the Nitra (35 cases) and the Trnava Region (28 cases). Out of these, 37 cases were related to the application of carbofuran, rodenticides or other poisons - in the Nitra Region it was 25 cases and in Trnava Region 12 cases. The Nové Zámky District has an unflattering primacy in

³⁰ Data from the database vtaciakriminalita.sk supplemented with data from the SNC SR

this respect, where they record 15 cases, of which 11 concerned carbofuran or other substance poisoning. Out of the 98 cases, up to 63 occurred in the months February, March, April and May.

However, when interpreting regional differences, one must be aware of the fact that given the high latency rates of this type of crime, the resulting statistics may rather indicate the extent to which this crime / administrative offense is being addressed by law enforcement, or the level of civil society attention. According to the representatives of the Environmental Police, it would be more appropriate to talk about statistics on the fight against environmental crime rather than on statistics of environmental crime itself. Regions with under-represented officers representatives of law enforcement agencies may report a low number of cases, however this does not mean that such activity is not committed there, actually it can be even higher.

VI.1.2 Administrative offenses and administrative infringements

a) Scale and types of detected WLC

In the framework of the project we monitored aggregated data related to violations of the protection of protected species according to the Act No. 543/2002 on Nature and Landscape Protection and CITES legislation, published by SEI.

However, it is not possible to distinguish data relevant to the project from violations of the Nature and Landscape Protection Act. These data include not only violations of the protection of species, but also illegal felling of trees, unauthorised motor vehicle entries into protected areas, violations of the National Park Visitor Regulations, changes to wetland habitats, etc. For the purposes of this project, only data where certain deficiencies were found during inspections targeted at the protection of species were relevant. For the period 2015-2019 (year 2020 has not yet been published), there was a total of 74 cases (Table 11).

In relation to CITES legislation, SEI carried out a total of 587 inspections in the period 2015-2019, during which 284 violations were detected. Of these, fines were imposed in 226 cases for a total amount of EUR 99 231. In total, only 14 decisions on seizure of protected specimens were granted, all of them in accordance with Act No 15/2005 Coll. (Table 11).

Table 11: Performance of state supervision by SEI-DINLP for the period 2015-2019³¹

Year	Act	Overall No. of controls	No. of violations	Of which violations of species protection **	No. of penalties	Amount of penalties	No. of corrective measures imposed	No. of decisions to seize protected specimens ***
2019	543/2002*	576	294	23	153	138 230 €		
	CITES	145	51		41	24 709 €		0
	Total	721	345		194	162 939 €	34	
2018	543/2003*	442	248	11	141	119 506 €		
	CITES	126	72		58	16 691 €		2
	Total	568	320		199	136 197 €	25	
2017	543/2004*	413	226		127	77 900 €		
	CITES	104	59		40	36 361 €		3
	Total	517	285	12	167	114 261 €	27	
2016	543/2005*	447	230		113	62 945 €		
	CITES	104	49		42	11 428 €		5
	Total	551	279	20	155	74 373 €	24	
2015	543/2006*	406	167		101	48 974 €		
	CITES	108	53		45	10 042 €		4
	Total	514	220	8	146	59 016 €	23	

*The data also includes violations that are not relevant to the project

**Number of cases in which deficiencies were found during inspections of the protection species

***In all the cases mentioned above, the decisions on confiscation of specimens were taken pursuant to Act No 15/2005 Coll.

For the period 2015-2020, it was possible to obtain more detailed information on 571 cases.³² Of these, 489 were related to violations of CITES legislation and 82 cases of violations of Act No. 543/2002 on the Nature and Landscape Protection. These were analysed separately as the CITES legislation violations and the Nature and Landscape Protection Act violations had different data structures.

The records distinguish between **violations of the Nature and Landscape Protection Act** and specifically violations of CITES-related legislation. In the case of violations of the Nature and Landscape Protection Act, there are 82 cases, the most frequent are listed in Table 12.

³¹ Source: 2015-2019 SEI Statistical Annual Reports (SEI – DINLP data) (see The Bibliography)

³² Data source: Cases of CITES legislation violations from the Ministry of Environment of the Slovak Republic - Department of Regulation of Trade in Endangered Species; Cases of Nature and Landscape Protection Act violations obtained from SEI – Department of Inspection of Nature and Landscape Protection

Table 12: Types of illegal activities in violation of the Nature and Landscape Protection Act

Type of illegal activity	No. of cases
Destruction of, damage to breeding and resting places, or destruction of nests	39
Insufficient registry or failure to prove origin of a species	17
Illegal capture	8
Failure to report the finding of a protected animal	4
Killing of individuals	3
Disruption	3
Other (e.g. ringing without exemption, injury to the species, violation of exemption conditions, etc.)	8

Violations of CITES regulations are recorded in 489 cases, the most common of which are listed in Table 13 (they could have been committed separately or in combination with other violations).

Table 13: Violations of CITES legislation

Type of violation	Legislation	No. of cases
Failure to comply with legal obligations related to keeping records of specimens	Act 15/2005 Section 9 and 11	234
Proof of the origin of the specimen or proof of the method of acquisition of the specimen, or proof of the handling of the inanimate specimen of selected species	Act 15/2005 Section 12, 12a, 12b	80
Unmistakeable marking of specimens, or license for production or distribution of rings	Act 15/2005 Section 13	51
Other violations of the Act No 15/2005	Act 15/2005	51
Violations of the Customs Act	Act 199/2004	39
Imports into the Community	Council Regulation (EC) No 338/97 Art. 4	48
Relocation of live specimens	Council Regulation (EC) No 338/97 Art. 9	12
Provisions on the control of commercial activities	Council Regulation (EC) No 338/97 Art. 9	110
Marking methods	Commission Regulation (EC) No 865/2006 Art. 66	3

As for the most frequently attacked species, 128 species records were recorded in 82 violations of the Nature and Landscape Protection Act, in which there were a total of 69 species. The most common species (18 records) was the barn swallow (*Hirundo rustica*), which was registered mainly in connection with the destruction of nests. After that, there was common raven (*Corvus corax*) and the mute swan (*Cygnus olor*) - both of them in 5 cases. Of the large carnivores, the brown bear (*Ursus arctos*) appeared in 3 cases.

In 489 cases of violation of CITES legislation, 959 species records were identified, while a separate species record was kept for each type of specimen. A total of 277 species were identified. Of the total number of species records, 39 concerned plants and 920 animals.

Table 14 shows the most often recorded **species groups** listed in species records. Specimens were registered in various amounts, however, this value could not be quantified, as many records lacked this data.

Table 14: The most common species groups in violations of CITES legislation

Species group	No. of species records
Parrots	423
Turtles	109
Birds of prey and owls	136
Large carnivores	63
Cactuses and succulents	29
Corals	26
Reptiles	22
Exotic felids	20
Primates	14

Table 15 shows the most common species mentioned in CITES violation.

Table 15: The most common species mentioned in violations of CITES legislation

Species name in English	Species name in Latin	No. of cases that concerned this species
Grey parrot	<i>Psittacus erithacus</i>	114
Hermann's tortoise	<i>Testudo hermanni</i>	63
Brown bear	<i>Ursus arctos</i>	28
Coral	<i>Scleractinia spp.</i>	26
Barn owl	<i>Tyto alba</i>	20
Blue-and-yellow macaw	<i>Ara ararauna</i>	18
Turquoise-fronted parrot	<i>Amazona aestiva</i>	17
Eurasian eagle-owl	<i>Bubo bubo</i>	12
Gray wolf	<i>Canis lupus</i>	11
Peregrine falcon	<i>Falco peregrinus</i>	12
Saker falcon	<i>Falco cherrug</i>	11
Eurasian lynx	<i>Lynx lynx</i>	10
Blue-winged macaw	<i>Primolius maracana</i>	11

By analysing CITES violations, we identified that out of 489 cases, 65 listed the country of export. The most frequent were the USA (15x) and Thailand (13x), China (6x) and Sri Lanka (6x).

b and c) Results of prosecution and sanctions

In the case of administrative offenses/ infringement, it was not possible to obtain sufficiently comprehensive information to make a clear deduction of the results of prosecution.

Of the 82 cases of **violation of the Nature and Landscape Protection Act**, 44 ended with imposition of a fine. The rest of them ended without the imposition of a sanction and due to the complexity of searching for information in individual cases, we do not have further information on their conclusion.

In relation to analysed cases closed by imposition of a fine for the period 2015-2020, the fines reached the amount of 50,345 EUR. The fines ranged from 15 to 10,000 EUR. The most common fine was EUR 100 (6 cases). Fines of 500 EUR, 1000 EUR, 1,500 EUR followed – each of them in 4 cases. The highest fine imposed amounted to EUR 10,000 and was applied in 2 cases – in one case for damage to the breeding sites of the western capercaillie and in the other for the removal of 50 nests of the common house martin, while 34 nests were active with chicks.

Out of the total number of 489 cases of **violation of CITES legislation**, a fine was imposed in 361 cases. The fines ranged from 16 to 15,000 EUR, total amount reached 86,960 EUR. In 65 cases, the specimens were confiscated and in 92 cases the offender was issued with a warning.

d) Accessibility, completeness and consistency of data

Violations of CITES legislation are collected into one common database by the CITES Executive Body (MoE SR, Department of Endangered Species Trade Regulation). Information is provided by all relevant institutions.

However, there is no such centralised database created for the breach of the Nature and Landscape Protection Act. Information on these violations (act, violated provision of the law, outcome of the proceedings, sanction, etc.) can be obtained only by studying the individual files.

In Slovakia, there is a Central Register of Administrative Infringements and Offenses³³, which is managed by the Ministry of the Interior. It is accessible to the state bodies within the organizational competence of the Ministry of the Interior of the Slovak Republic or to other state bodies as defined in generally binding legal regulations. The database serves to inform applicants about offenses registered in the database in connection with them.

³³ Ministry of Interior of the Slovak Republic, 'Central Evidence of Administrative Infringements and Violations /CESDaP/' [website], <https://www.minv.sk/?CESDaP>, (accessed 22 December 2021)

VI.1.2 Cases listed in other sources

In addition to criminal acts and administrative offences in the records of state control bodies, Police and the Prosecutor's Office, there is record of wildlife crime cases against birds of prey kept on the website vtaciakriminalita.sk³⁴ (run by an NGO Raptor Protection of Slovakia) and also in the evidence of the State Nature Conservancy of the Slovak Republic. There is a total of 98 cases, however, as key information on them were missing, it was not possible to determine if these are included in the above mentioned statistics of the above mentioned state bodies. For the same reason, information on the prosecution is missing.

Altogether, 32 species and 123 individuals were identified in these cases.

Out of 98 cases, 51 concerned poisoning or application of poisons in an unauthorized manner, 20 cases concerned shooting, 6 cases were related to trapping, 2 cases to an illegal possession of a protected animal or CITES species and 15 cases concerned killing in an undetected manner. In 4 cases, the information was not provided, it was only stated that it was a kill.

Of the total number of 123 individuals, the species listed in Table 16 were the most common.

Table 16: The most common species

Species name in English	Species name in Latin	No. of individuals
Common buzzard	<i>Buteo buteo</i>	26
Eastern imperial eagle	<i>Aquila heliaca</i>	10
White-tailed eagle	<i>Haliaeetus albicilla</i>	10
Western marsh harrier	<i>Circus aeruginosus</i>	10

Separately, we analysed data obtained from the CITES Executive Body (MoE) on **illegal trade in CITES species** for the period 2016-2020. While these data are included in the analyses above, they are presented alongside less serious CITES violations. Over the period, the CITES Executive Body registered 76 records of CITES species seized by various authorities. These related to 60 cases and involved 46 different species of flora and fauna. There are significantly fewer records in 2019-2020, which is related to the low numbers of seizures. The numbers in each year are shown in Table 17.

Table 17: Overview of CITES illegal trade records by year

Year	No. of records
2016	22
2017	24
2018	16
2019	9
2020	5

³⁴ Raptors Protection of Slovakia, 'Database of cases of bird crime and other illegal activities involving birds', [website], <http://37.9.171.109/symfony-rps-kr-doctrine-pgsql/sk/delinquencywww.vtaciakriminalita.sk>, (accessed 23 September 2021)

Most of the 75 records were captured by the postal service (32), at the airport (24), and in private homes (13). 22 records were detected by random checks and 16 by customs checks. Detection by internet monitoring is listed in 4 cases. Other specimens were intercepted by other methods (scanning, random checking, etc.). Most of the records (65) indicate that the offender did not have the necessary CITES permit. In 71 records the specimens have been seized, in 5 (related to a single case) a decision on seizure is pending. Financial penalties were also issued in 17 records. In one case criminal prosecution was involved.

The country of alleged origin of the specimen was most frequently mentioned as Thailand (14 records), USA (10), Slovakia (8) and China (5), Sri Lanka (4), Vietnam (4 records). The United Arab Emirates (8) and Turkey (4) were most frequently cited as the country of transit. In the majority of cases (65 entries) the final destination was Slovakia. However, the Czech Republic (4 entries), Romania and Austria (1 entry each) also appeared.

The largest quantities were of dried specimens of pear cactus, coral, and Hoodia succulent-containing products, which are commercially promoted mainly for their alleged slimming effects. Of the live specimens, turtles and cacti were the most abundant. Of the species occurring naturally in Slovakia, the skins, fur and skulls of brown bear and gray wolf were the subject of illegal trade (Table 18).

Table 18: Overview of the most frequently occurring specimens of CITES illegally traded species 2016-2020

Species	Specimens	Amount
<i>Opuntia cardenche</i>	Dried plants	229 pcs.
<i>Cylindropuntia imbricata</i>	Dried plants	21 pcs.
<i>Scleractinia</i>	Raw corals	234 pcs. + 0,95 kg
<i>Hoodia spp. & Hoodia gordonii</i>	Medicine	90 UNK* + 70 pills
<i>Ara ararauna</i>	Feathers	20 pcs.
<i>Dalbergia</i>	Timber	10 UNK
<i>Strombus gigas</i>	Shells	10 pcs.
<i>Syrmaticus reevesii</i>	Feathers	10 UNK
<i>Diospyros</i>	Timber	10 UNK
<i>Testudo marginata</i>	Live	9 pcs.
<i>Ursus arctos</i>	Skins & skulls	6 pcs. (skins) & 2 pcs. (skulls)
<i>Cactaceae</i>	Live	7 pcs. + 0,14 kg
<i>Tridacna spp. & Tridacna squamosa</i>	Shells	7 pcs.
<i>Crocodylus siamensis</i>	Small leather products	6 pcs.
<i>Alligator mississippiensis</i>	Small leather products	4 pcs.
<i>Saguinus oedipus</i>	Live	4 pcs.
<i>Canis lupus</i>	Skins	4 pcs.
<i>Testudo hermanni</i>	Live	3 pcs.

*UNK = unknown units or unit was not mentioned

Aggregated data on CITES-related inspections done by customs officers and published by the Financial Directorate of the Slovak Republic were also analysed. For the period 2015-2020, a total of 1,029 CITES-related inspections were carried out, with 13,924 specimens inspected. In 44 cases of illegal imports, 541 specimens of endangered species were seized. In 34 cases of illegal imports, 562 specimens of endangered species were forfeited. In 2015-2016, data on seized and confiscated specimens were reported together - in 22 cases, 3,198 specimens were recorded (Table 19). The most frequently inspected specimens were those classified as

- Other (eggs, shells, corals, animal parts and products, medicines, etc.)
- Other (medicines, wood, plant parts and products, etc.)

No specimens of invertebrates, mammals, reptiles, amphibians and fish were seized (Table 20).

Table 19: Overview of CITES inspections by the Customs Administration for the period 2019-2022³⁵

Year	No. of inspections			No. of specimens			No. of controls in which goods were seized			No. of controls in which goods were confiscated /forfeited			No. of seized specimens			No. of confiscated /forfeited specimens		
	IM	EX	O	IM	EX	O	IM	EX	O	IM	EX	O	IM	EX	O	IM	EX	O
2020	31	9	84	130	30	862	6			2			17			12		
2019	518	10	17	1849	39	117	6		1	7			86		10	104		
2018	61	2	23	3294	20	176	9			11			276			281		
2017	127	2	5	3622	63	18	22			14			152			165		
2016	46	9		79	11					10*			13*					
2015	70	13	2	3282		332				12*			3185*					
Total	853	45	131	12256	163	1505	43	0	1	56	0	0	3729	0	10	562	0	0

IM = Import; EX = Export; O = Other

³⁵ Source: Financial Directorate of the Slovak Republic, 'Annual reports on the activities of the financial administration for the years 2015-2020', Financial Directorate of the Slovak Republic, Banská Bystrica (see The Bibliography)

Table 20: Overview of the types of goods seized/confiscated by Customs Administrations³⁵

Goods	No. of inspections	No. of specimens	No. of controls in which goods were seized	No. of seized specimens	No. of controls in which goods were confiscated/forfeited	No. of confiscated specimens	No. of controls in which goods were seized/confiscated (2015-2016)	No. of seized/confiscated specimens (2015-2016)
Invertebrates	3	210						
Mammals	17	52						
Reptiles	1	330						
Birds	20	70	1	10				
Amphibians	0	0						
Fish	9	0						
Animal skins	7	18	2	3			2	2
Other animals*	854	2505	29	246	26	284	10	157
Animal preparates	2	3	3	5	3	5		
Live plants	11	32	2	3	2	3	3	4
Other plants**	105	10704	7	274	3	270	7	3035
Total	1029	13924	44	541	34	562	22	3198

Other animals (eggs, shells, corals, animal parts and products, medicines, etc.)*

*Other plants** (medicines, wood, parts and products of plants, etc.)*

VI.2. Analysis of sample cases

a) Example of good practice

One of the most important factors in successful WLC prosecution is the expertise and specialization of law enforcement agencies. The establishment of a specialized Environmental Police and specialisation at the level of the prosecutor's office, the systematic use of expertise from investigations legitimately leads to greater efficiency in WLC prosecution. Furthermore, from an institutional point of view, it is important for a successful case to have a passionate team of specialists, good mutual cooperation between the state institutions involved, as well as trust between them. Cooperation with non-state actors such as fishermen, hunters and NGO activists also helps in successful crime detection and prosecution.

Based on the interviews and data collected, the following cases were identified as specific examples from practice:

Carbofuran: The police carried out a comprehensive intervention in case of an offender who kept carbofuran. The home inspection was carried out by a team operative staff from the Department of Detection of Hazardous Materials and Environmental Crime, with the support of investigators, a forensic technician and a dog handler. Law enforcement authorities applied European legislation - Commission Regulation no. 186/2011, Directive 91/414 / EEC in the investigation. Professionally competent approach of all authorities led to the successful detection and conviction of the offender.

Poisoned white-tailed eagle: When the poisoned white-tailed eagle was found, a drone was used to inspect its nest, in which other dead individuals were confirmed. The deployed firefighting equipment enabled the necessary samples to be taken from the nest. The well-trained staff, good cooperation with the prosecutor, good technical equipment and the personal commitment of those involved contributed to the thorough documentation of the case.

International trade: After a thorough customs control of an Ukrainian citizen at the border crossing of the Slovak Republic with Hungary, there was a hiding found under the back seats, with more than a hundred of songbirds (*Bombycilla garrulus*, *Emberiza citrinella*, *Pyrrhula pyrrhula*). The total social value of the birds was 37,490 EUR. The offender imported them illegally from Ukraine for the purpose of sale in Italy and was sentenced to 1 year in prison, with a suspended sentence of 2 years. He was also deported from the Slovak Republic with a ban on entry for 3 years.

Successful detection of offenders poisoning the birds of prey: The following case can be only partially considered an example of good practice.

After several years of making an effort it was possible to uncover and convict two pigeon-breeders who installed poisoned baits in the area with the strictest degree of nature protection. Poisoned bait (pigeons) were tied to the rock near the nests of peregrine falcons. The offenders were detected due to successful cooperation of the Police, the State Nature Conservancy and ornithologists from the NGO Raptor Protection of Slovakia.

Ultimately, the case ended with the court ruling the conditional suspension of the prosecution in case of one offender, as it considered the prosecution itself to be "a sufficient lesson for his future life", the offender was therefore not penalized. The second offender was acquitted in part, but also found guilty in another part with a suspended sentence of 1 year imprisonment with 1 year probation period.

The prosecutor appealed in both cases, but the Regional Court upheld the first-instance decision, also with reference to the so-called material element of crime (material corrective) - although the offender formally fulfilled the body of the crime, the court assessed the damage as too low / insignificant for the purposes of criminal proceedings³⁶.

b) Example of more challenging cases

The following examples illustrate that several cases have been settled in the courts without punishing the offender, or with a very low penalty, even below the penalty rate. We met with

³⁶ Resolution of the District Court Prešov 5T/1/2018 dated 09.04.2018; Resolution of the Regional Court Prešov 2To/19/2018 dated 10.05.2018; Decision of the District Court Prešov 5T/1/2018 dated 03.02.2020; 9 Resolution of the Regional Court Prešov 9To/23/2020 dated 05.08.2020

criticism of court decisions, which in some cases were satisfied with the claim of the breeders or of CITES species' keepers, stating that they have been engaged in breeding activities for a long time, the protected species in question were adequately cared for and that breeding conditions were good. However, the courts did not consider the social danger of such unlawful conduct.

The fact that the damage caused by the wildlife crimes is not enforced/ claimed can also be considered a failure of the state apparatus.

The offender, holder of a hunting license, has illegally caught a living wild cat (*Felis sylvestris*) into a folding knocker. Social value of a wild cat individual is 1,840 EUR. Subsequently, he tried to exchange it for another animal on the internet. The cat was detained and the offender was convicted of poaching. He was found guilty, however, the court waived his punishment.³⁷

Several specimens of protected bird species were found at an offender, as well as the skin and skull of a single brown bear, for which he did not possess the documents confirming its acquisition. The social value of the animals was estimated at 9,850 EUR. The perpetrator was convicted of violating the plant and animal species protection, as well as of the crime of illegal armament and arms trafficking - the court ruled confiscation of the specimens, as well as of the 6 weapons and 923 rounds. The court sentenced the offender to a suspended sentence of two years' imprisonment (the lowest limit of the penalty for the crime of illegal possession of weapons is 3 years). The probation period was set at 3 years. The court referred the injured party (District Authority) to claim the damage in a civil trial. The court's decision is not final yet³⁸.

Two offenders, both of them hunters, committed the crime of poaching by mutual agreement. One of the offender, who is also a game warden, caught a bear and a lynx. At the same time, he kept a carcass of a killed lynx at home. He then made trophies and prepares out of the poached animals. Through these actions, he caused damage in the amount of 57,193 EUR. The second offender caught, processed and subsequently sold the ungulate game to third parties in several cases. Illegally held weapons and ammunition were found in case of both offenders. The court approved the plea agreement of both offenders, with one of them conditionally sentenced to 24 months' imprisonment and the other to 36 months' imprisonment, with a probationary period 5 years in both cases. Preparates, skins, skulls as well as illegal weapons and ammunition were confiscated. They were banned from contacting each other and exercising the right to hunt - one for 7 years, the other (shooter) for 8 years, while this one was also banned from performing management functions in forestry organizations. The court referred the injured party (District Authority) to claim the damage in a civil trial, however, the District Authority has not claimed the damage³⁹.

An offender obtained for himself specimens of wolf skin and a skull of 2 brown bear individuals, as well as preparates of protected bird species, and subsequently offered them for sale through an internet portal. The social value of the species was estimated to be 14,280 EUR. The court approved the plea bargain with the offender receiving a suspended sentence

³⁷ Decision of the District Court Žiar nad Hronom 1T/67/2018 dated 09.07.2018

³⁸ Decision of the District Court Partizánske 1T/61/2020-649 dated 13.10.2021

³⁹ Decision of the District Court Rožňava 2T/23/2020 dated 17.08.2020

of 7 months' imprisonment (the penalty rate being 6 months to 3 years) with a 12 months' probationary period. The court did not rule on the damage compensation in the decision.⁴⁰

An offender, who at the same time is a hunter, shot a brown bear in the territory of the national park without a permit. The shooting was carried out after a mutual agreement with another offender. Social value of the animal was 5,311 EUR. The court approved a plea agreement on basis of which it fined him with 3,500 EUR fine, with an alternative sentence of 4 months' imprisonment in case of a non-payment. At the same time, he has been banned from exercising the right to hunt for 1 year. The court referred the injured party (the State Nature Conservancy of the SR and the Hunting Association) to recover the damage in civil proceedings. The second offender was not proven to have committed the act and was acquitted.⁴¹

Some other cases pointed out the complexity of the WLC investigation. For example, offenders use additionally gained evidence: a "wolf skin loan" document or an additional proof of acquisition of a protected specimen (the existence of which has not been reported by the offender throughout the investigation for several months).

Even in such cases, the investigation can sometimes be concluded successfully. For example, there was an offender who was convicted of an illegal possession of a wolf skin. He claimed to have the skin borrowed from his acquaintance, who had a valid permit, however, this was issued for shooting a wolf with an evident skin disease. The offender was convicted as the wolf skin in his possession belonged to a healthy wolf.

Another group of complex investigation cases is that related to killing of a protected animal "by mistake". In some cases, the shooter has allegedly mistaken the wolf for a dog. In another case, the offender was helped to a more lenient punishment for shooting a much larger bear than the exemption granted, claiming that the weight and age of the individual were very difficult to estimate in the field.

In traffic accidents where a bear is killed, the bodies of the bears are allegedly used to obtain documentation and "legalise" an illegally killed bear individual of a similar size.

⁴⁰ Decision of the District Court Považská Bystrica 1T/104/2018 dated 24.09.2018

⁴¹ Decision of the District Court Martin 3T/119/2013 dated 14.10.2013 and 1T/44/2013 dated 29.04.2015

VI.3. Effectiveness and problems at different stages of the fight against wildlife offences

In the following sections, we summarize the most important outputs from the interviews and analyses of specific cases, which point out the weaknesses in individual stages of WLC prosecution.

a) Detection

Due to lack of capacities, several institutions act reactively, rather than proactively. They have to deal with a large number of reported cases and lack capacity to proactively search for cases, or to carry out more frequent preventive inspections in high-risk areas or at entities suspected of possible illegal activity. This is also reflected in insufficient capacities for dealing with complex cases that require more attention.

Related to this problem is the fact that the public cannot always report WLC in sufficient detail and with sufficient competence. On the other hand, the professional rangers who are competent to report WLC in a qualified manner have a relatively large territory under their competence.

Slovakia also faces a shortage of experts on a large number of exotic CITES species (approximately 35,000 plant species and 5,000 animal species, including their parts and products). For some groups of animals, there are only a few experts in Slovakia who are able to recognize and identify them, or manipulate with them.

Shortcomings in WLC detection are also influenced by the following:

- Lack of strategy and risk analysis that would indicate what to focus on in detection and where priority capacities need to be deployed (some institutions have a lot of data, but no capacity to analyse it, e.g. the Ministry of Environment lacks the capacities to evaluate the risk analyses).
- complex CITES legislation, which is regulated by Slovak as well as EU regulations.

The following list contains the main reasons why some cases were not reported:

- Insufficient information on how to report this type of crime. This concerns not only the general public, but also some professionals.
- Lack of feedback on the case. Persons reporting the crime who do not act as witnesses or plaintiffs usually do not get an information about the conclusion of the case, which reduces their motivation to report the cases in the future.
- Fear to report the case as it has a potential to create a conflict with one's community (neighbours, members of the hunters' / fishermen's association, etc.).
- We also came across information that even the approach of law enforcement authorities sometimes discourages the whistleblowers from reporting a crime. This may be related to the monitoring of statistical performance indicators: cases with a low probability of finding an offender increase the proportion of unexplained cases in their statistics, which may demotivate those responsible when reporting new cases.

b) Investigation

The following obstacles were identified in the WLC investigation:

- Short time to obtain evidence: Evidence in nature can quickly fade due to changing weather conditions.
- Some reports (e.g. through applications) do not provide a sufficient basis for prosecution, as they do not have all the necessary details and thus do not contain all the necessary data.
- For various reasons, it is not possible to secure the evidence that is crucial in the investigation (lack of experience, insufficient preparation for the event, the investigation starts too late, nonprofessional or incorrect approach, etc.).
- Insufficient cooperation of institutions / experts: Sometimes it is not possible to gather all the relevant institutions or the necessary expert at the crime scene on time.
- Problematic identification of the offender: Telecommunications are not authorized to provide SEI inspectors with the name of the owner of the telephone number, which is listed e.g. when selling species on the Internet.
- Insufficient competences - e.g. the SEI is currently not authorized to do so-called control purchases.
- Co-operation of offenders, false solidarity and local ties: Given local relations, it is sometimes difficult to prove the offender guilty, even in obvious cases, if he can get himself an alibi from people who are willing to risk prosecution for perjury.

c) Prosecution

Some cases end up at the level of the police, prosecutor's office or courts due to the application of Section 10(2) of the Criminal Code - the so-called material corrective. In this case, although the formal elements of a criminal offence are fulfilled, the social danger of the act is assessed as slight, and the case is ultimately not assessed as a criminal offence. In doing so, account is taken of the manner in which the act was carried out and its consequences, the circumstances in which the act was committed, the degree of culpability and the motive of the perpetrator. As the above criteria always depend on an assessment in the context of the particular case, opinions differ as to the correctness of the use of this institute in specific cases.

The Criminal Procedure Code also regulates the so-called diversions, which include, for example, proceedings on a plea bargain, a decision on conditional suspension of criminal prosecution, or on approval of a settlement and suspension of criminal prosecution. All diversions require the offender to confess to the crime with which he is charged, to express his sincere regret and, where appropriate, to pay compensation. Within the prosecution authorities, this way of case termination, provided that the legal conditions are met, is viewed positively.

The evaluation and statistical system of specific institutions may also have some influence on the progress of specific cases. If it focuses exclusively on quantitative indicators (e.g. number of cases successfully resolved), it can negatively affect the progress of the staff member concerned, particularly in complicated cases. In cases where the evidentiary situation is complex, they may, under the 'pressure' of reports and statistics, tend to opt for a solution

which, while not fully reflecting the dangerousness of the crime and being more offender-friendly, minimises the risk of the case failing and thus the risk of a negative evaluation.

d) Court proceedings

The courts do not make decisions concerning the damage compensation (social value of species) in criminal proceedings, but refer the injured party to the recovery of damage in the so-called civil proceedings. They do so even in cases where no further proof is required. However, in accordance with the law, the courts should "usually" make a decision in the also on damages in the judgment (Section 287 Criminal Code).

Based on the statements of several employees of the District Authorities, who act as a representative of the injured party, we know that the Offices do not have the personnel capacity or sufficient methodological guidance to recover the damage. As a result, damages are not recovered from the offenders.

Another issue related to the courts is a lack of case law. For the period 2015-2020, only 27 court decisions related to WLC were obtained from the web portal of the Ministry of Justice and on the basis of the Free Access to Information Act. Some key legal issues in WLC prosecution have not yet been resolved at case law level.

e) Sanctions applied

The sentences imposed are usually at the level of conditional imprisonment, generally at the lower end of the penalty rate, thus the sentences are usually mild. Only in cases involving also another crime, e.g. illicit armament, the penalties are higher, even though not always.

Given the fact that, after conclusion of the criminal proceedings with a relatively small sentence, the offenders do not have to face the obligation to compensate for the damage caused, it can be stated that the criminal proceedings do not have the deterrent effect they could have.

f) Notes related to findings

During the research, we have noted various interpretations of such conduct towards offenders, which could, depending on the circumstances of the case, be assessed as mild (low sentence, an absolute discharge - release of a convicted defendant without imposing a punishment, conditional termination of criminal prosecution, assignment of an act to an administrative offense proceeding, etc.)

Of course, there are cases where a mild sentence is appropriate given all the circumstances of the case. It is also natural that there are differing views among law enforcement authorities on the assessment of the same case. It is not uncommon for one authority to assess the offender's conduct more rigorously and another more leniently.

At the same time, however, we also noted the objection that law enforcement authorities did not take sufficient account of the importance, or danger of WLC. Alternatively, they took into account such an explanation of the offender in the proceedings, which would not stand with deeper expertise.

Another interpretation we encountered during the research was the interests, preferences and leisure activities of the acting representatives of the law enforcement institutions themselves: the moderate approach could, according to these views, be related to the fact that if their members are themselves active, for example, in the field of hunting, and the perpetrator is a member of a hunting association, a certain "sympathy" for the perpetrator's actions, or a factor of class solidarity, may also play a role in their decision-making. However, an assessment of the relevance of this factor is not possible at present, as the membership of public officials or civil servants in hunting, fishing or conservation associations is not subject to disclosure. In its ruling⁴², the Constitutional Court stated that a public official's leisure activity, which has a significant social dimension, may be of legitimate interest to the media and the public.

VII. Conclusions and recommendations

Due to the richness of natural environment, Slovakia is home to a large number of rare and protected species of plants and animals. As in other countries, there are also cases of violations of the protection of these species in Slovakia, with the state applying instruments of criminal or misdemeanour law against those committing such activities.

This report describes the sanctioning of the WLC at the level of legislation, organisational and institutional arrangements and sanction proceedings for violations of the law. It also examines the availability of data needed to effectively establish the processes and functioning of institutions involved. The report also contains a description of some significant cases that illustrate the types of law violations, as well as the reaction of state authorities towards the perpetrators.

The report's findings show that the **legislation** creates an opportunity for sanctioning of all kinds of WLC. Too formalistic criminal proceedings is considered to be the most fundamental shortcoming in the legislation. Its change would lead to more efficient and faster criminal proceedings. Another area where legislation needs to be amended is to eliminate inconsistencies between some provisions of legislation: for example, protection of species under the Nature and Landscape Protection Act is in conflict with classification of these species as game species under the Hunting Act. Some partial changes are needed in the system of administrative sanctioning, in CITES legislation and in the regulation of the control powers of inspection bodies.

⁴² Ruling of the Constitutional Court of the Slovak Republic Case No. II. ÚS 184/2015 of 11 November 2015

We have noted both significant positives and serious shortcomings in the **institutional and organizational set-up of law enforcement agencies**. On the positive side, there is an expanding specialization on the topic of WLC, both at the level of the Police force and the Prosecutor's Office. Professional and control organizations such as the Slovak Environmental Inspectorate and CITES bodies also play a very important and active role in WLC sanctioning.

In terms of negatives, we consider the finding that **the damage caused by the wildlife crime is not recovered** to be at the first place. The courts do not decide on the damage in criminal proceedings, but refer the injured party to recover the damage in another, civil proceeding. The district authorities, which represent the injured party in the proceedings, do not assert this claim in the civil court. The reason being insufficient staff capacity, the broad environmental agenda they are in charge of, as well as the insufficient professional and methodological background needed to conduct this type of dispute. As a result, offenders do not have to bear the consequences of compensation for the damage caused, and the state also loses financial resources.

Another shortcoming in the organizational setting is the general **lack of staff capacity** to address WLC. Illustratively, this problem could be expressed in the words "too few people in too large a territory", and this expression literally also describes the staff capacities of the authorities that are to carry out practical protection in the field. In the figurative sense of the word, it also aptly refers to the situation in other law enforcement agencies. Low remuneration, high staff turnover and the related lower efficiency of individual activities is part of the problem. High expectations are associated with the national parks reform and the number of their staff. However, it is also necessary to assess the workload in other control and sanctioning bodies (SEI, District Authorities) in a similar way.

The method of **official staff evaluation**, especially at the Police and Prosecutor's Office, can be considered a specific shortcoming. Unsuccessful prosecution is reflected negatively in the evaluation of a particular police officer or prosecutor, which may also affect their conduct in specific cases. In complex cases, they may tend to come up with a solution that, while not fully reflecting the danger of the act and being more accommodating to the offender, minimizes the risk of failure in the case and thus the risk of negative assessment.

WLC is a complex topic, so the closer the **cooperation**, coordination and trust between bodies with different expertise, the better the chances of success. This is also evidenced by several cases that are described in the report. In the area of cooperation between individual institutions, we consider it important to provide feedback on the development of cases between individual parties involved. It is demotivating if the institution's staff are actively involved in the initial stages of criminal or misdemeanour proceedings, but in the end they have virtually no way of knowing how the case ended. Mutual exchange and flow of information, especially on significant cases, would also lead to improved know-how, refinement of procedures and elimination of errors.

Cooperation between the various institutions and also with the public is extremely important in mitigating the conflict between man and large carnivores, especially regarding the conflict between the protection of the species and its regulation. It is clear that the increase in tensions

arising from this contradiction is leading to an increase in WLC in relation to large carnivores. Intensive cooperation, on the other hand, leads to a reduction in the scale of conflicts.

The issue of **accessibility and completeness of WLC data and information** deserves special attention. On the one hand, we can state a very positive reaction and helpfulness on the part of the addressed institutions. However, an issue with data processing was experienced due to incompatible structure of data between individual institutions, or a change in the methodology of data collection during the monitored years. Currently available data provide only a partial picture of the WLC prosecution, and problems with the structure of the data have also affected the completeness of the information obtained.

Despite the above mentioned issues, important information on investigation, prosecution and sanctioning of WLC, as well as on specific cases, has been obtained. It shows that a relatively low number of cases are decided by the courts, 15 cases have been identified over a period of 5 years. Some of the prosecutions end with a suspension of the prosecution because the facts justifying the prosecution against a particular person have not been established. The cases also end by termination of prosecution, assignment of the case to administrative proceedings or by conditional suspension before they reach the court.

Of the cases dealt with by the courts, about 60% end with the conviction of the offender, the remaining 40% end in some other way (assignment to administrative proceedings, an absolute discharge - release of a convicted defendant without imposing a punishment, conditional suspension of prosecution or acquittal).

Of the cases in which the court imposed a sentence, the offenders received sentences close to the lower limit of the penalty rate, or in some cases even below this limit, despite the concurrence of e.g. with the crime of illicit armament.

Sentences are dominated by conditional imprisonment with a relatively short probationary period. To a lesser extent, the courts also impose a penalty of disqualification.

Recommendations:

- To substantially change the procedure for recovery of damage after the conclusion of criminal proceedings. Strengthen the employee capacity and provide methodological guidance to District Authorities in the area of WLC damage recovery.
- Support legislative initiatives to eliminate the over-formalised character of certain stages of criminal proceedings.
- Align the law on nature protection and the law on hunting with regard to protected species.
- Introduce a comprehensive system of administrative sanctioning so that several issues of administrative offenses committed by legal persons are also resolved procedurally.
- Unify data collection procedures so that all types of offenses can be monitored. For example, to unify the monitoring of the number of prosecutions and the number of prosecuted persons between the individual institutions of the Ministry of the Interior and the General Prosecutor's Office of the Slovak Republic.

- Establish a unified CITES registration system based on the "CITES Register" model operating in the Czech Republic.
- In the training of police officers, prosecutors and judges, emphasize the practical aspects of prosecuting WLC and increasing professional competence in assessing factually and legally complex cases.
- Strengthen the staff capacity of the SEI and DA in terms of experts in substantive and procedural law.
- Reconsider the remuneration of the staff of public administration bodies in the field of environmental protection (especially SEI, DA and SNC SR) so that this remuneration reflects the complexity of the tasks addressed and is also motivating for quality experts.
- Effectively publicise cases that are detected or successfully completed, which can have a significant deterrent effect on the commission of crime and also highlight the importance and high profile of this type of illegal activity.

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Act No. 274/2009 Coll. on Hunting

Act No. 543/2002 Coll. on Nature and Landscape Protection

Administrative Offense Act 372/1990 Coll.

Criminal Code 300/2005 Coll.

Criminal Procedure Code 301/2005 Coll.

IX. Annexes

Annex 1: Overview of illegal activities and relevant laws

Actions sanctioned	Relevant provision (act, paragraph, article, clause, etc.)	Range of possible sanctions	Authority (ies)*
CRIMINAL ACTS			
Plant and Animal Protection Violation: <ul style="list-style-type: none"> collection, damage, destruction of the protected plant or its habitat killing, injuring, capturing, transferring a protected animal and destruction of its habitat or dwelling of the protected animal endangerment of the protected animal or plant In order to prosecute, the intent of the offender must be proven. 	Criminal Code No. 300/2005 Coll. Section 305 (1)	2 years' imprisonment	The Police
Plant and Animal Protection Violation & CITES: <ul style="list-style-type: none"> acquisition of a protected animal / plant / specimen for oneself or procurement for another holding, cultivating, breeding, processing, importing or exporting or trading in protected plants / animals / specimens or otherwise disposing of them intentional removal, falsification, alteration or other unauthorized use of an irreplaceable mark of protected animals / specimens It is sufficient to prosecute if the offender was also negligent.	Criminal Code No. 300/2005 Coll. Section 305 (3)	6 months -3 years' imprisonment	The Police
The commission of an act referred to above <ul style="list-style-type: none"> as a severe act with a special motif on a substantial scale or with the intention of obtaining a substantial benefit (damage in excess of EUR 26 600) 	Criminal Code No. 300/2005 Coll. Section 305 (4)	1-5 years' imprisonment	The Police

<ul style="list-style-type: none"> having been convicted of a similar offence in the previous two years 			
<p>The commission of an act referred to above</p> <ul style="list-style-type: none"> as a member of a dangerous group on a large scale or with the intention of obtaining a benefit on a large scale (damage in excess of EUR 133 000) 	<p>Criminal Code No. 300/2005 Coll. Section 305 (5)</p>	<p>3 - 8 years' imprisonment</p>	<p>The Police</p>
<p>Poaching- unauthorized interference with the hunting or fishing right, e.g.:</p> <ul style="list-style-type: none"> hunting game or fishing without a permit, in time of its protection or by a prohibited method the concealment, keeping or transfer of unlawfully caught or found game or fish, either on oneself or on another 	<p>Criminal Code 300/2005 Coll. Section 310 (1)</p>	<p>2 years' imprisonment</p>	<p>The Police</p>
<p>The commission of an act referred to in article 1</p> <ul style="list-style-type: none"> in a massively effective or contemptible way, on a small scale, or as the perpetrator is a person who has a specific duty to protect the environment. 	<p>Criminal Code 300/2005 Coll. Section 310 (2)</p>	<p>6 months -3 years' imprisonment</p>	<p>The Police</p>
<p>The commission of an act referred to in article 1</p> <ul style="list-style-type: none"> if the offender has already been convicted of such an offence, on a large scale by a more severe manner of conduct. 	<p>Criminal Code 300/2005 Coll. Section 310 (3)</p>	<p>1-5 years' imprisonment</p>	<p>The Police</p>
<p>The commission of an act referred to in article 1</p> <ul style="list-style-type: none"> on a significant scale (damage in excess of EUR 26 600) 	<p>Criminal Code 300/2005 Coll. Section 310 (4)</p>	<p>3 - 8 years' imprisonment</p>	<p>The Police</p>
<p>The commission of an act referred to in article 1</p> <ul style="list-style-type: none"> on a large scale (damage in excess of EUR 133 000) 	<p>Criminal Code 300/2005 Coll. Section 310 (5)</p>	<p>4 - 10 years' imprisonment</p>	<p>The Police</p>

ADMINISTRATIVE OFFENSES AND ADMINISTRATIVE INFRINGEMENTS			
A large number of activities is prohibited, for example:	Act No 543/2002 Coll. on Nature and Landscape Protection		
<ul style="list-style-type: none"> failure to keep records of protected species; failure to allow access to land to authorised persons; falsification of decisions, failure to report the discovery of a protected species and others. 	Section 41 (1) Section 59, 71, 73, 79 Section 35 (6)	<ul style="list-style-type: none"> Penalty for administrative infringement: fine up to EUR 9 958 and forfeiture Penalty for administrative offence: reprimand, fine up to EUR 3 319 and forfeiture 	Slovak Environmental Inspectorate, District Authority
<ul style="list-style-type: none"> trapping and killing animals in their natural habitats the use of prohibited methods and means of capturing or killing animals which are not game and the like 	Section 4 (3) Section 36	<ul style="list-style-type: none"> Penalty for administrative infringement: fine of up to EUR 23 235 and forfeiture Penalty for administrative offence: fine up to EUR 6638 and forfeiture 	
<ul style="list-style-type: none"> failure to prove the origin of protected plants/animals improper use, capture and falsification of the unmistakable marking of protected animals, etc. failing to hand over the seized item, failing to allow the removal of the item 	Section 42 Section 43 Section 93 (5) (6)	<ul style="list-style-type: none"> Penalty for administrative infringement: fine of up to EUR 33 193 and forfeiture Penalty for administrative offence: fine up to EUR 9958 and forfeiture 	
	Act No 15/2005 Coll. on the Protection of Species of Wild Fauna and Flora by Regulating Trade Therein (CITES)		
A large number of activities is prohibited, for example: <ul style="list-style-type: none"> violation of a permit condition incorrect information in applications use of invalid permits/certificates use of Annex A specimens for a purpose other than that permitted 	Section 22 (1) Section 23 (1)	<ul style="list-style-type: none"> Penalty for administrative infringement: fine from EUR 80 - EUR 16 600 or forfeiture of the specimen 	Slovak Environmental Inspectorate, District Authority

<ul style="list-style-type: none"> failure to keep records as required by law failure to comply with obligations, etc. 		<ul style="list-style-type: none"> Penalty for administrative offense: reprimand or fine from EUR 16,59 - EUR 4 979 	
<ul style="list-style-type: none"> import/export/re-export without authorisation or without import notification possession of a specimen contrary to law; possession of a specimen whose possession is prohibited or restricted transit without documents failure to prove the origin of the specimen failure to cooperate in the exercise of State surveillance and other buying, offering to buy, acquiring for commercial purposes, displaying in public for commercial purposes, exploiting for commercial gain and sale, possessing for sale, offering for sale or transporting for sale a specimen in contravention of a special regulation 	<p>Section 22 (2) Section 23 (1)</p>	<ul style="list-style-type: none"> Penalty for administrative infringement: fine from EUR 1 500 - EUR 33 000 or forfeiture of the specimen Penalty for administrative offense: reprimand or fine from EUR 66,38 - EUR 9958 	Slovak Environmental Inspectorate, District Authority
<ul style="list-style-type: none"> failure to prove the origin of the specimen handling of the specimen in contravention of the Regulation acquisition or disposal of a specimen in contravention of this Act or a special regulation 	Section 25	<ul style="list-style-type: none"> Confiscation of a specimen 	Slovak Environmental Inspectorate, District Authority
	Act No. 274/2009 Coll. on Hunting		
<ul style="list-style-type: none"> breach of the obligation when game hunting in a joint hunt 	Section 58	<ul style="list-style-type: none"> Administrative infringements: fine 150 EUR - 500 EUR 	Administrative infringements:

<ul style="list-style-type: none"> the user of the hunting ground fails to provide tags for marking and transporting hunted and found game infringement of the obligation when keeping and breeding game in captivity 	<p>Section 64 (8) Section 22</p>	<ul style="list-style-type: none"> Administrative infringements: fine 500 EUR - 5 000 EUR Administrative offenses: admonition, fine 30 EUR - 3 000 EUR, prohibition of activity for up to one year, confiscation of the item 	<p>State administration authority in the field of hunting (Ministry of Agriculture; District Authority, County District Authority)</p>
<ul style="list-style-type: none"> violation of hunting obligations or prohibitions (e.g. hunting without a permit, appropriation of trophies or hunted game, prohibited or improper hunting method) failure to notify the Police of the discovery of killed or injured animal species in contravention of this Act; in the case of year-round protected animal species also to the nature protection authority 	<p>Section 24 Section 63 (5)</p>	<ul style="list-style-type: none"> Administrative infringements: fine 5 000 EUR - 15 000 EUR Administrative offenses: admonition, fine 30 EUR - 3 000 EUR, prohibition of activity for up to one year, confiscation of the item 	<p>Administrative Offenses: District Authority</p>
	<p>Act No. 216/2018 Coll. on Fishing</p>		
<p>For example:</p> <ul style="list-style-type: none"> hunting without documents or refusal to produce them hunting without keeping records (how much of what was caught when) 	<p>Section 12 (1-9)</p>	<ul style="list-style-type: none"> Administrative offenses: fine 100 EUR - 1 000 EUR 	<p>District Authority</p>
<ul style="list-style-type: none"> does not indicate in the fishing regulations that an exemption has been granted (e.g. when fishing for fish in period of their protection, outside the daily fishing time, etc.) 	<p>Section 12 (7)</p>	<ul style="list-style-type: none"> Administrative infringements: fine 500 EUR - 3 000 EUR 	
<ul style="list-style-type: none"> fishing in a protected fishing area 	<p>Section 7 (4)</p>	<ul style="list-style-type: none"> Administrative infringements: fine 1 000 EUR - 7 000 EUR 	

**responsible for compliance monitoring, detection of abuses and investigation of offenders*

Annex 2: Overview of administrative authorities and institutions

Authority	Scope of offences over which it has empowerment/ subject-matter jurisdiction	Type of empowerment	Personnel resources dedicated to WLC
Administrative authorities			
Ministry of the Environment, Department of Endangered Species Trade Regulation	State administration in matters of specimen protection	<ul style="list-style-type: none"> · Performs the function of the Executive Body of the Slovak Republic under the Convention (CITES Executive Body) · Decides on the issuance of permits and assesses the validity of import permits, export permits and certificates for re-export of specimens and keeps records thereof · Decides on and keeps records of exemptions from the prohibition of commercial activities · May prohibit the possession of specimens · Designates detention centres · Is the custodian of specimens that have become the property of the state, etc.⁴³ 	6 employees of the Department of Endangered Species Trade Regulation
Ministry of the Environment, Department of State Administration for Nature and Landscape Protection	State administration in the field of nature protection	<ul style="list-style-type: none"> · Manages and controls the performance of state administration in matters of nature and landscape protection · Performs the function of the main state supervision (ascertaining whether natural or legal persons comply with the decisions of the nature protection bodies, clarifies and investigates suspected violations of the law and decisions of the nature protection bodies · May grant exemptions from prohibited activities with regard to protected species, etc. 	-
District Authorities	Administrative offences, state administration in the field of nature protection	<ul style="list-style-type: none"> · Execution of state supervision · May order blood or other tissue analysis of an individual or other tissue of a protected species 	72 District Authorities, Environment Units (no. of

⁴³ CITES Executive Body powers are set out in Section 15 of Act No. 15/2005 on CITES

		<ul style="list-style-type: none"> Keeps copies of registration lists, pedigree cards and species cards of protected species, etc. Issues CITES specimen provenance cards Imposes sanctions and decides on the seizure of the specimen and on the confiscation of the CITES specimen Orders the necessary corrective measures to remedy identified deficiencies in CITES violations, etc.⁴⁴ 	employees not stated)
State Veterinary and Food Administration	Conditions of possession and transport of animals	<ul style="list-style-type: none"> Provides assistance to SEI Assesses the suitability of live specimen holding facilities for applicants for permits to import Annex B live specimens Assesses whether the animals are transported in accordance with the conditions of the permit, etc.⁴⁵ 	—
Police departments, guards, inspections, other services			
Presidium of the Police Corps, National Headquarters of Special Types of Crime, Hazardous Materials and Environmental Crime Detection Unit	Criminal acts / Administrative offenses	<ul style="list-style-type: none"> Detects crimes and identifies their perpetrators, Investigates the crimes, Detects and investigates offences and, where provided for by special law, clarifies and hears administrative offences, etc. 	201 policemen in 8 cities
Slovak Environmental Inspectorate, Inspection Department of Nature and Landscape Protection	Administrative offenses, administrative infringements	<ul style="list-style-type: none"> Execution of state supervision, including inspections Imposes fines, sanctions and remedies Appellate Body (SEI Headquarters) Decides on the confiscation of protected species individuals Appellate Body (SEI Headquarters) Methodically guides, etc. 	23 inspectors at the Inspection Department of Nature and Landscape Protection
Financial Administration of the Slovak Republic - Customs Offices	Administrative offenses, administrative infringements	<p>Checks the application of CITES legislation, e.g.:</p> <ul style="list-style-type: none"> The compliance with conditions for import, export, re-export and transit of specimens 	—

⁴⁴ District Authority competences in the field of CITES are listed in Section 16 and 17 of Act No. 15/2005 on CITES

⁴⁵ State Veterinary and Food Administration competences in the field of CITES are set out in Section 19 (3) of Act No. 15/2005 on CITES

- Criminal Office of the Financial Administration		· that specimens crossing the EU border are accompanied by a valid document and that the contents of the consignment correspond to the information on the relevant document, etc. ⁴⁶	
Other			
The State Nature Conservancy of the Slovak Republic	Professional nature protection organization	<ul style="list-style-type: none"> · Provides assistance to law enforcement authorities · Carries out practical care for handicapped animals · Provides rangers service · Performs the function of a breeding station and rehabilitation station · Maintains records of protected animals and protected plants in its possession · Keeps records of diseased, injured, damaged, dead and accidentally trapped, injured and killed year-round protected animals · Carries out surveillance and physical identification of the specimen and its unmistakable marking, etc. 	25 administrations
	SNC SR - CITES Scientific Body	<ul style="list-style-type: none"> · Provides expert opinion on CITES-related applications / permits; on the proposal to designate a detention centre; on the handling of confiscated specimens, and others. · Provides professional support to the state administration bodies in application of CITES legislation (e.g. identification of species), etc.⁴⁷ 	3 employees
	Rangers Service (professional)	<ul style="list-style-type: none"> · Performs inspections of compliance with the Nature and Landscape Protection Act · Monitors the occurrence of rare plant and animal species and implements measures to protect them · Vehicle inspection (see point below), etc. 	87 rangers at SNCSR administrations
	Rangers Service (volunteer)	<ul style="list-style-type: none"> · Performs inspections of compliance with the Nature and Landscape Protection Act 	–

⁴⁶ Customs Authorities competences in the field of CITES are listed in Section 19 (1) and (2) of Act No. 15/2005 on CITES

⁴⁷ CITES Scientific Body competences are listed in Section 21 of Act No. 15/2005 on CITES

		<ul style="list-style-type: none"> · Vehicle inspection in the protected area if there are reasonable grounds for suspecting that it carries protected species, game or fish obtained in breach of the law; 	
Hunting guard	Administrative offenses in connection with violations of the Hunting Act	<ul style="list-style-type: none"> · Checks compliance with the law (checks hunting licenses, firearms licences, vehicles) · Authorised to remove weapon, game, stop vehicle · Obligated to report violations, etc. 	—
Fishing guard service	Offenses in connection with violations of the Fishing Act	<ul style="list-style-type: none"> · Checks compliance with the law Obligated to report violations, etc. 	—