

EU LEGISLATION ON WILDLIFE
TRAFFICKING, DEFORESTATION AND
ILLEGAL LOGGING, AND COMBATTING ASSOCIATED
CRIME

Workshop for judges and prosecutors

"TRAFFICKING OF PROTECTED SPECIES"

MAIN FEATURES IN THE
INTERNATIONAL LAW
FRAMEWORK

FAUSTINO GUDIN
SENIOR JUDGE

BIODIVERSITY

- ▶ IT'S THE TOOLBOX FOR THE FUNCTIONING OF THE ECOSYSTEMS, IT WORKS AS A FABRIC OF LIFE.
- ▶ ECOSYSTEMS SUPPORT ALL LIFE ON EARTH. HUMAN BEING IS A PART OF NATURE.
- ▶ IT'S A FUNDAMENTAL PIECE IN THE PUZZLE TO MAKE FOOD PRODUCTION, CLEAN AIR, CLEAN WATER, CARBON SEQUESTRATION AND NUTRIENT RECYCLING TO WORK.
- ▶ IN JUST FIFTY YEARS HUMANITY HAS WIPED OUT 68% OF WILDLIFE POPULATIONS.
- ▶ EUROPE'S BIODIVERSITY CONTINUES TO DECLINE AT AN ALARMING RATE, WITH MOST PROTECTED SPECIES AND HABITATS CONFRONTING POOR CONSERVATION STATUS.
- ▶ THE EEA REPORTS THAT ONLY 15% OF EU HABITAT ASSESSMENTS SHOW GOOD CONSERVATION STATUS, WITH 81% HAVING POOR OR BAD CONSERVATION STATUS AT THE EU LEVEL.
- ▶ THE LATEST RED LIST OF THREATENED SPECIES HAS FOUND THAT 19% OF EUROPEAN SPECIES ARE THREATENED WITH EXTINCTION.

BIODIVERSITY AND THE STABILITY OF ECOSYSTEM

1. IF AN ECOSYSTEM DECLINES, THE ABILITY TO SURVIVE IN THE FACE OF CHANGE DECLINES IN PARALLEL.
2. ALL LIVING THINGS DEPEND ON EACH OTHER. EVERYTHING IS CONNECTED TO EVERYTHING.
3. NATURE IS A PROCESS OF CONTINUOUS ADAPTATION.
4. STRESSORS AND DRIVERS OF CHANGE

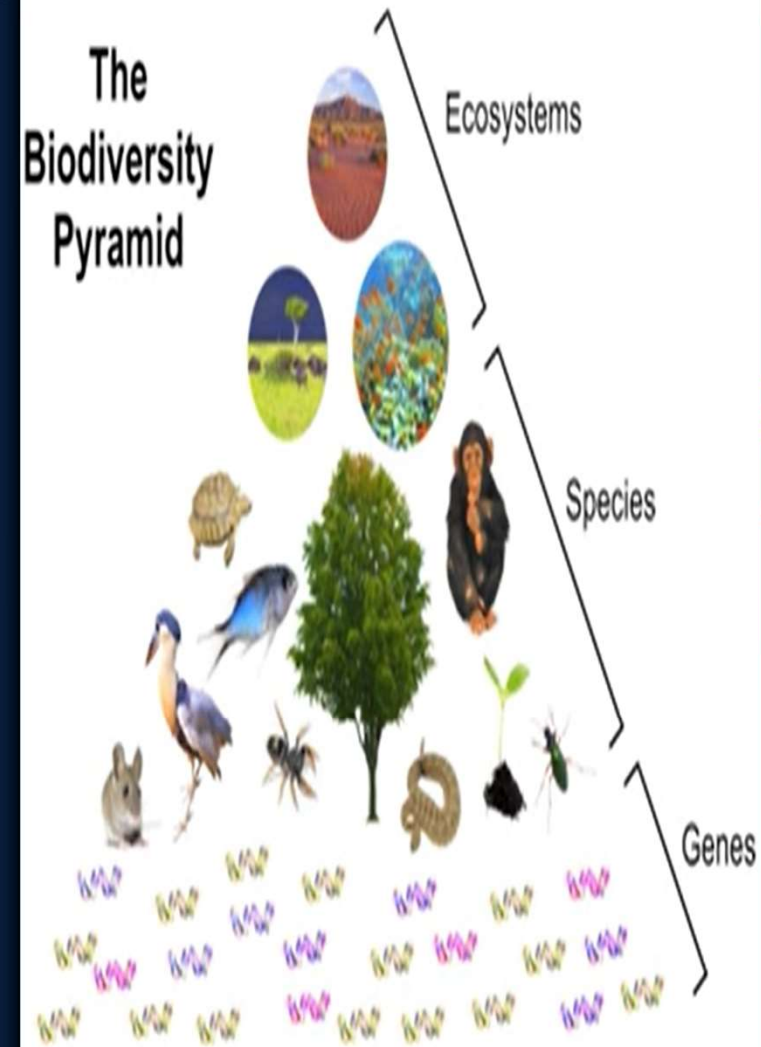
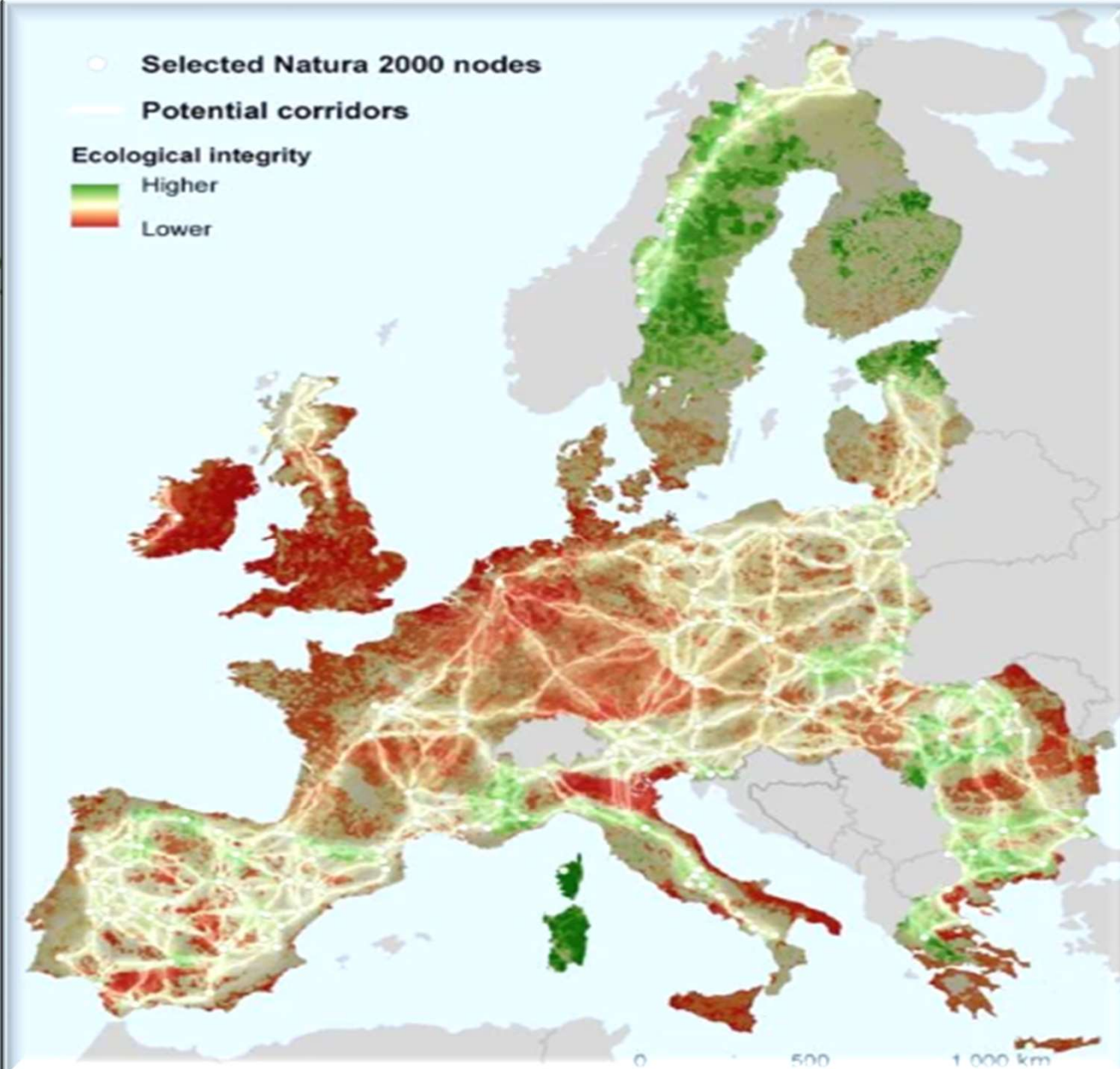
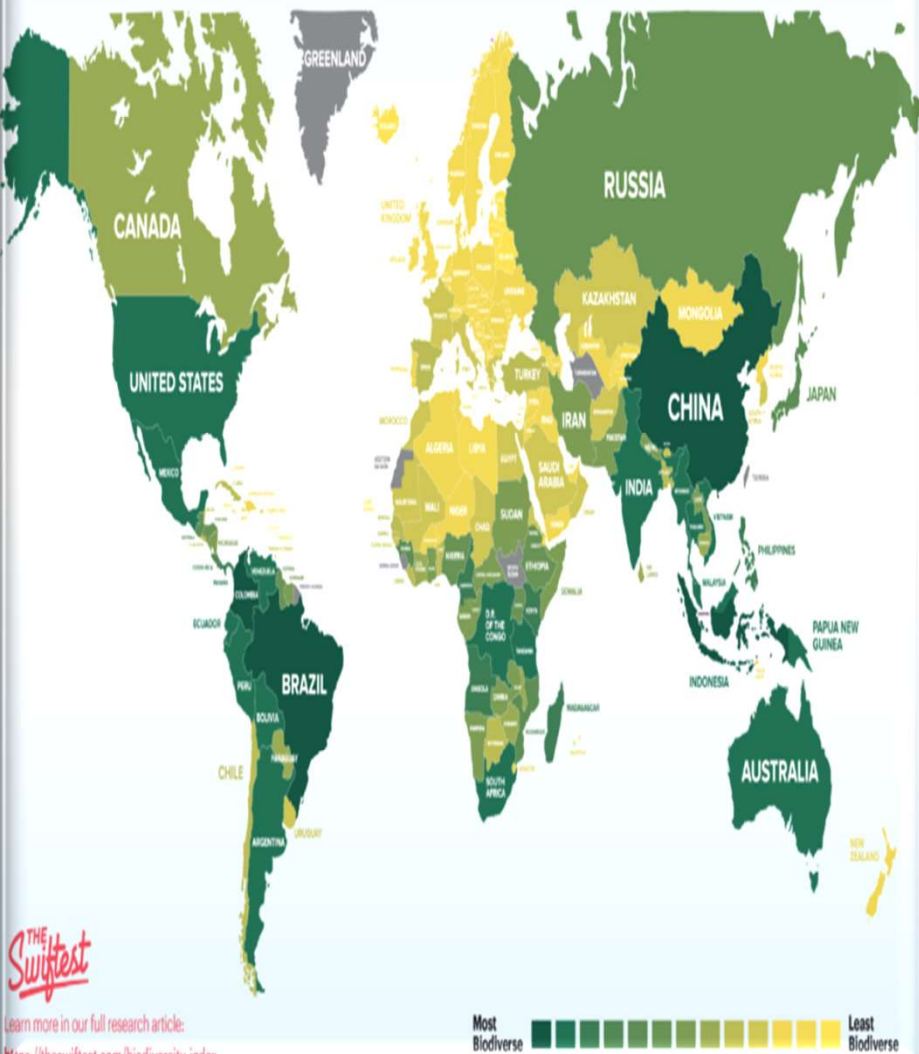


Photo credits:
Habitat: Phil Cullen, NPS
Rare ecosystems: Jessica Jahn, EPA contractor
Connectivity: Paul Farris, NPS
Protected lands: Jessica Jahn, EPA contractor
Land management: Tim McGee, NPS
Invasive species: Bill Johnson, NPS
Pollution: Don Vane, EPA
Recreation/Overuse: Michael Quinn, NPS
Genetic diversity: Don Vane, EPA
Public health: Jessica Jahn, EPA
Recreation, culture, & aesthetics: Don Vane, NPS

This Biodiversity wheel was created
by Jessica Jahn, EPA contractor

THE 201 MOST (AND LEAST) BIODIVERSE COUNTRIES IN 2022

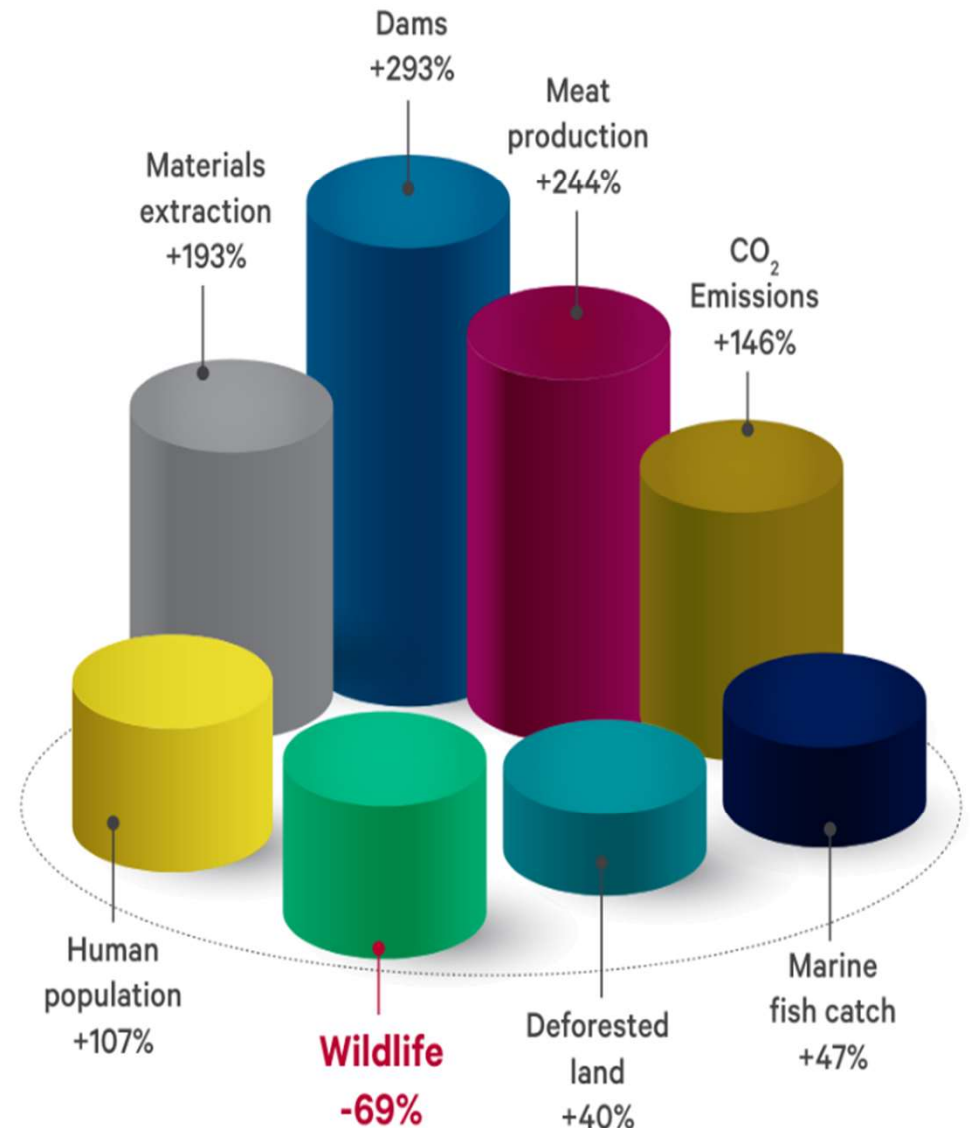


Earth provides enough to
satisfy every man's needs,
but not every man's greed.

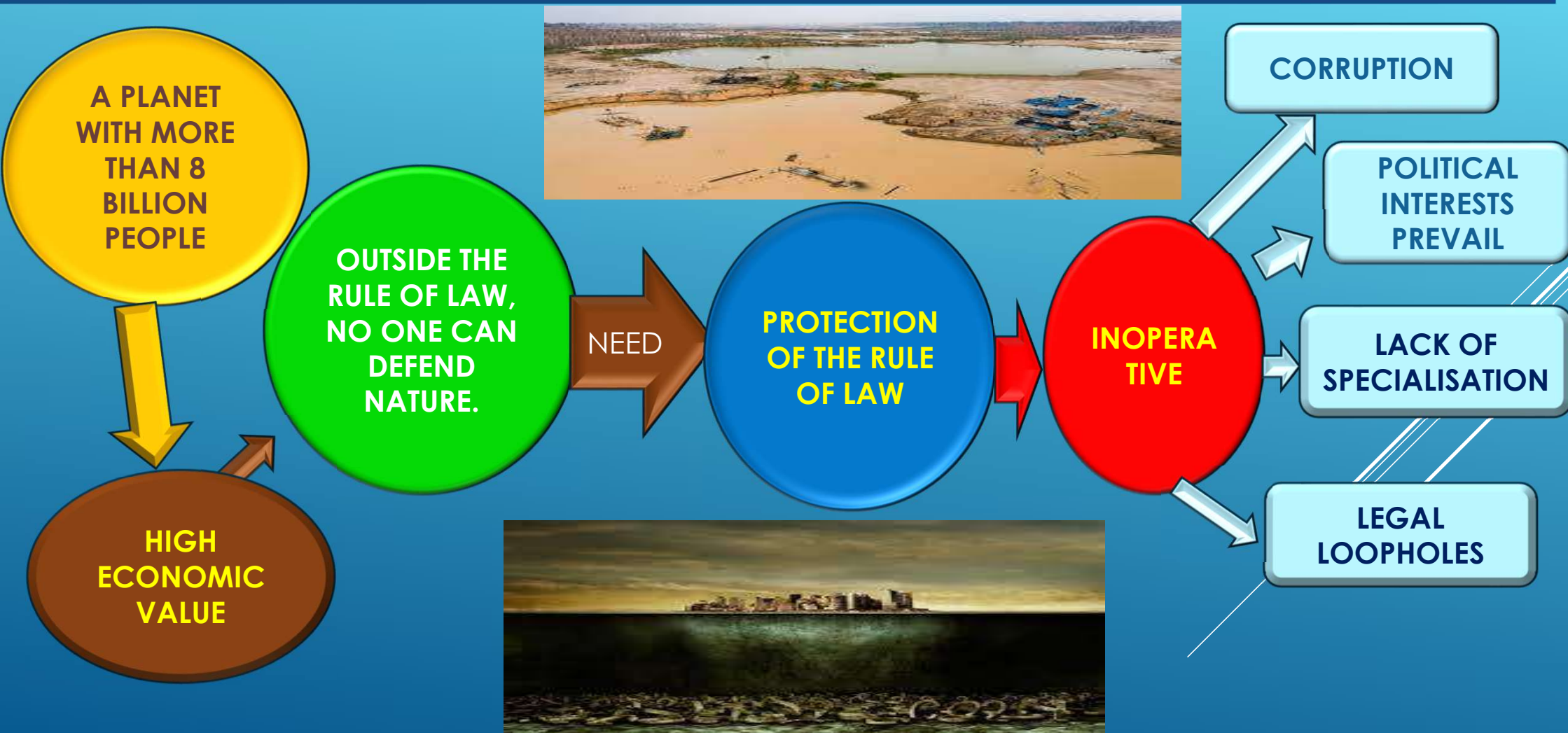
Mahatma Gandhi

quote/any

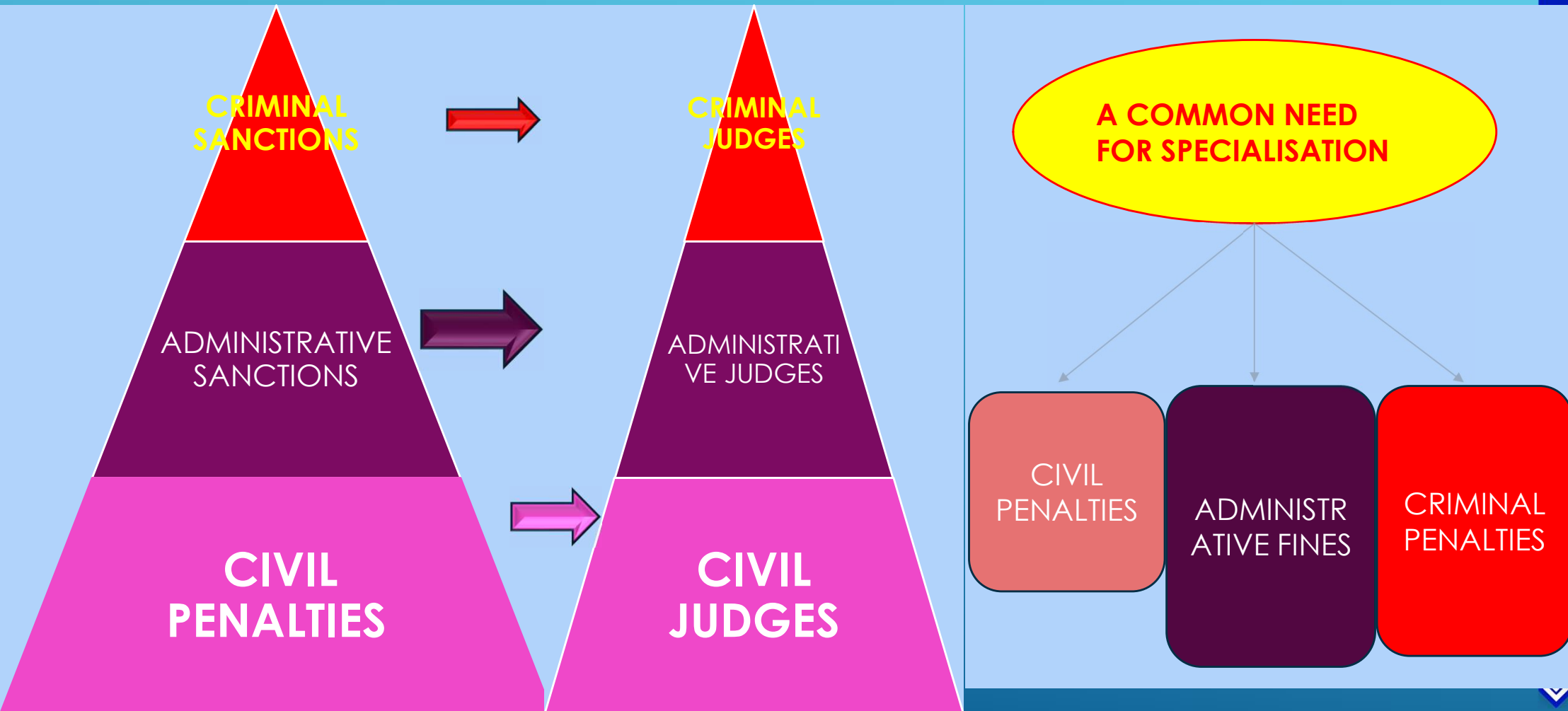
How the world has changed in the last 50 years



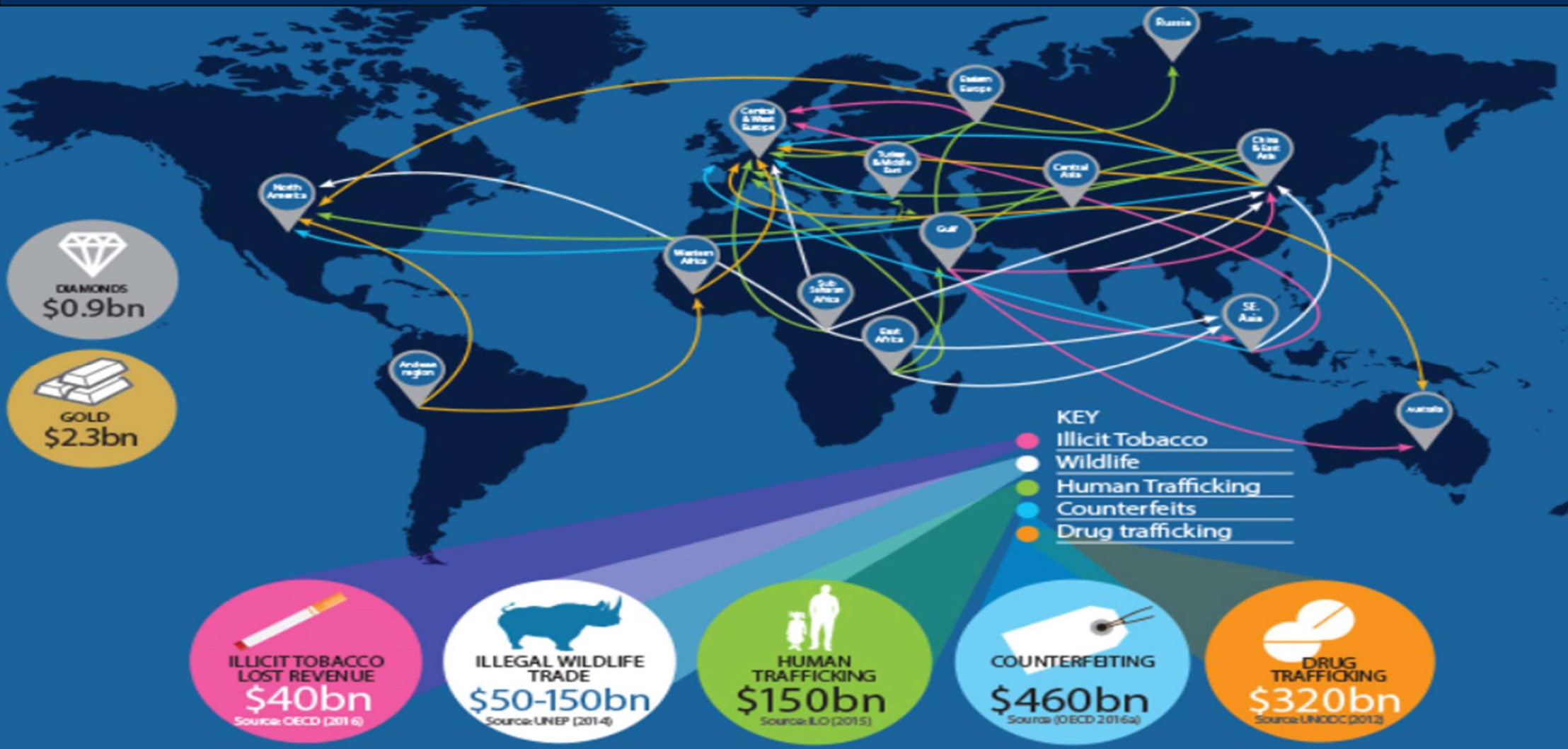
DEFENCELESSNESS OF NATURE



THE ULTIMA RATIO PRINCIPLE AND THE DIFFERENT LEVELS OF REACTION



WORLD CRIME MAP



**Environmental
crimes**

AGAINST WILDLIFE SPECIES

ILLEGAL MINING

ILLEGAL LOGGING AND ILLEGAL TIMBER
TRAFFICKING

TRAFFICKING OF WASTE AND HAZARDOUS
MATERIALS

ILLEGAL FISHING

CRIMES OF DUMPING AND RELATED TO
POLLUTION

ENVIRONMENTAL MALFEASANCE

ECOCIDE

INTERPOL REPORT OF 23 NOVEMBER 2020

EUROPOL: ENVIRONMENTAL CRIME THREAT ASSESSMENT 2022

The last decade has seen an increase in environmental crime of more than 5% per year - it is growing at three times the rate of global GDP.



Environmental crime is the third most lucrative criminal activity in the world, behind trafficking in drugs and counterfeit goods, and ahead of trafficking in human beings.

Environmental crime has a direct impact on climate change, threatens the livelihoods of millions of people, causes forced migration and can trigger the spread of viruses from animals to humans (zoonotic diseases).

"STUDY OF THE PETITIONS COMMITTEE OF THE EUROPEAN PARLIAMENT, JANUARY 2023".

Environmental crime is a significant challenge in contemporary society, with consequences that go beyond the direct environmental impact, affecting health, the economy, security, and the rule of law

Despite regulatory efforts, environmental crime is on the rise, driven by the perception of low risks and high rewards, as well as by institutional and legislative weaknesses

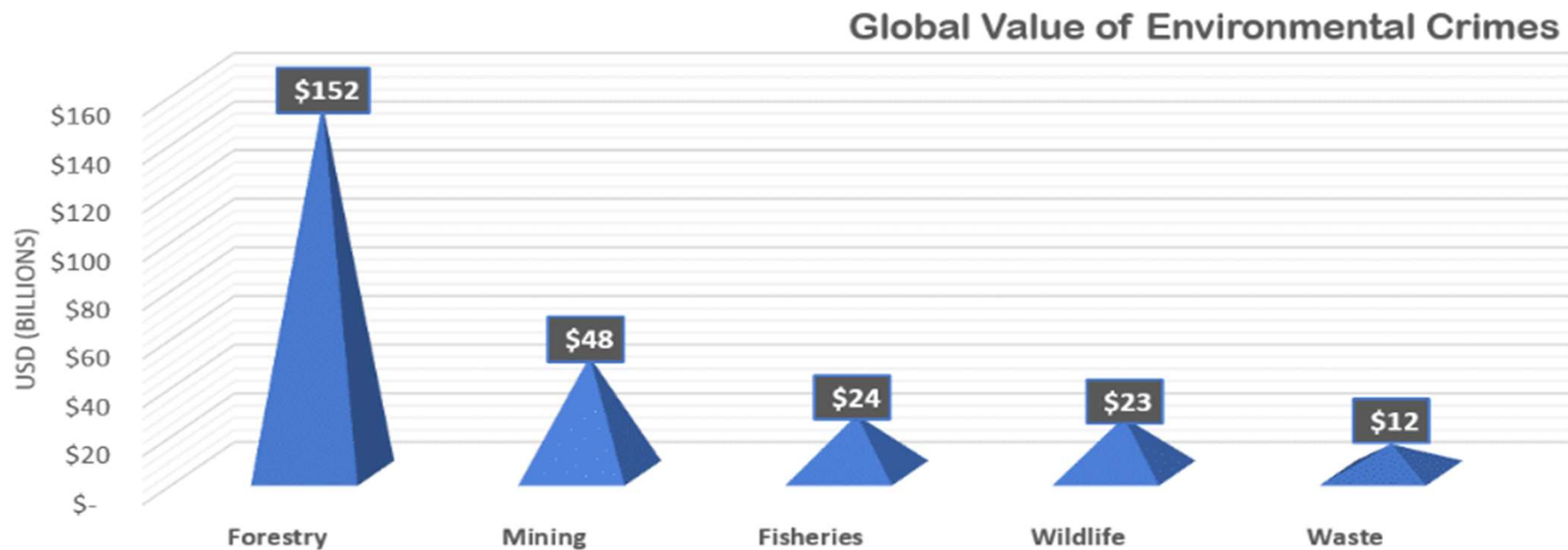
The lack of a universally recognized definition, the perception that they are 'victimless crimes,' and techniques such as 'commingling' hinder the fight against environmental crime

Regulatory efforts have evolved towards greater environmental awareness in criminal law, but the lack of effectiveness is reflected in the low number of cases investigated and prosecuted

The need for an EU Green Prosecutor is being proposed to address these deficiencies and improve cross-border cooperation, although its establishment does not seem imminent according to a recent speech by the President of the Commission

SCOPE OF THE DIFFERENT ENVIRONMENTAL CRIMES

FATF estimates financial flows to be around 281 billion dollars





European Union Agency for
Criminal Justice Cooperation



ENVIRONMENTAL CRIME CASES IN 2020

51 CASES

*(20 new cases,
31 ongoing from previous years)*

6

JOINT INVESTIGATION TEAMS
(3 new JITs, 3 ongoing)

6

**CASE-SPECIFIC
COORDINATION MEETINGS**



ENVIRONMENTAL CRIME CASES IN 2021

62 CASES

*(21 new cases,
41 ongoing from previous years)*

6

JOINT INVESTIGATION TEAMS
(1 new JIT, 5 ongoing JITs)

11

**CASE-SPECIFIC
COORDINATION MEETINGS**

1

COORDINATED ACTION DAY



ENVIRONMENTAL CRIME CASES IN 2022

55 CASES

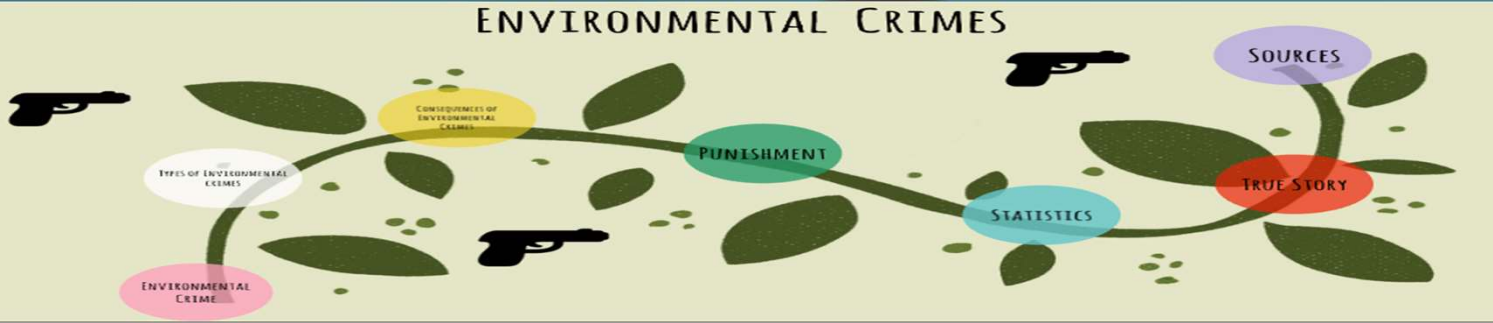
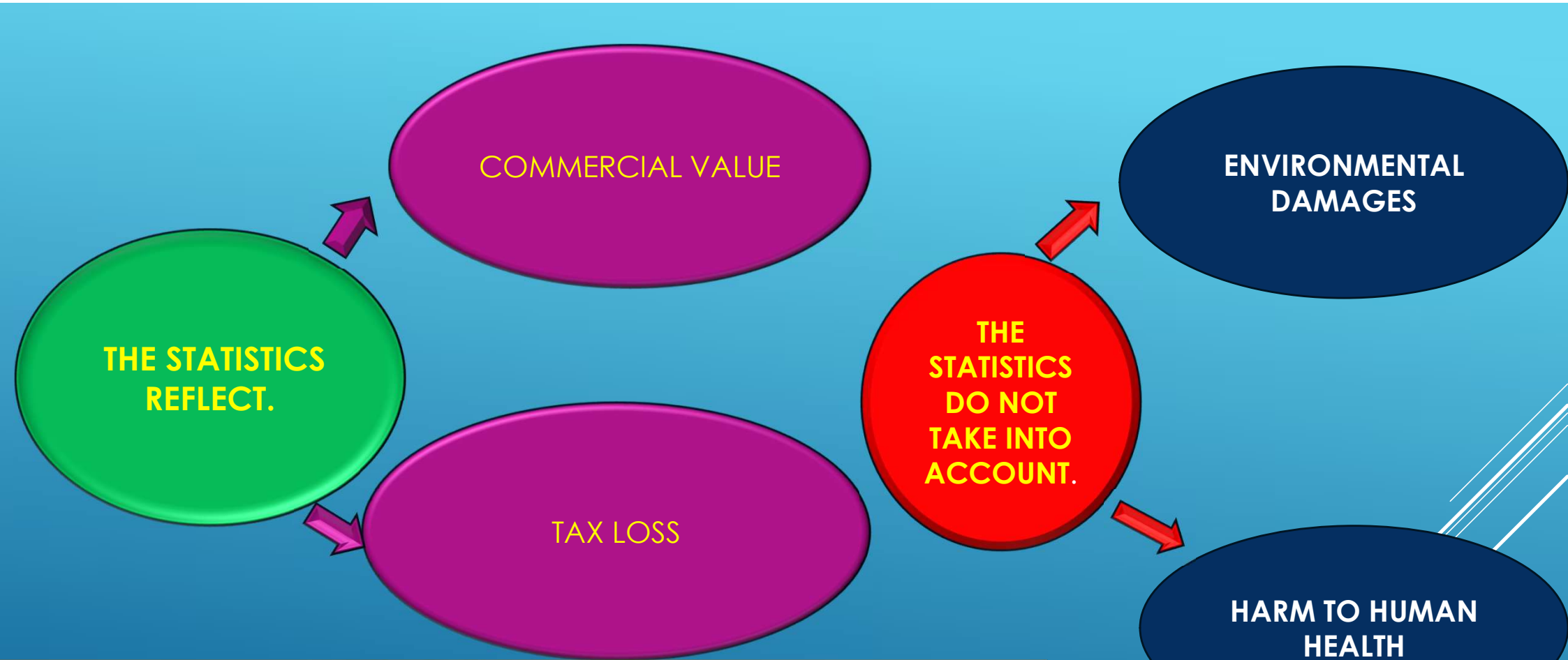
*(14 new cases,
41 ongoing from previous years)*

6

JOINT INVESTIGATION TEAMS
(all ongoing from previous years)

7

**CASE-SPECIFIC
COORDINATION MEETINGS**



COMMERCIAL VALUE



ILLEGAL LOGGING AND THE ILLICIT TRADE IN TIMBER OCCUPY THE TOP SPOT, WITH BETWEEN \$51 BILLION AND \$152 BILLION ANNUALLY.

WILDLIFE TRAFFICKING GENERATES BETWEEN \$7 BILLION AND \$23 BILLION

11 BILLION TO 24 BILLION IN ILLEGAL FISHING.

IRREGULAR MINING (BETWEEN 12,000 AND 48,000).

WASTE-RELATED CRIMES AMOUNT TO BETWEEN \$10 BILLION AND \$12 BILLION

TAX LOSSES



Governments lose an estimated \$26 billion in revenue, according to Interpol and the UN.



Environmental crimes undermine livelihoods by destroying legal industries, depriving operators of resources, and reducing global timber prices by up to 17%, causing annual losses of \$40 million to U.S. companies.



Illegal fishing threatens more than 500 million people employed in developing countries, significantly affecting their quality of life by depleting fish populations and causing unemployment and fiscal deficits



Environmental crimes create a vicious cycle by causing a loss of tax revenue for governments, which then have to spend on preventing future crimes and restoring the environment, putting states under financial and political pressure



Illegal logging deprives governments in developing countries of at least \$10 billion in annual revenue and taxes



BIOVAL

- ▶ The BIOVAL project is a joint initiative by EUFJE, IMPEL, and ENPE and aims to create a practical, non-binding tool for assessing ecological damage in courts.
- ▶ BIOVAL focuses not on sanctions, but on financial restoration.
- ▶ Similar tools are used to evaluate compensation amounts for health, material, economic, and ecological damage.
- ▶ For example, the Belgian "Indicative Table" for human and material damage, established by judges and accepted and used as a standard in all Belgian courts for many years.
- ▶ An online survey was organized among our members, focusing on 3 species: wolf, starling, and red kite.
- ▶ In 2021 and 2022, after a bidding process, we asked the Flemish Research Institute for Nature and Forests (INBO) to examine the existing pricing systems and propose possible criteria and a methodology for assessing ecological damage to vertebrates.



LINKS BETWEEN THE ENVIRONMENT AND HUMAN HEALTH

- ▶ There is a minimal amount of chemicals and toxins in the daily foods we consume, the air we breathe, and the water we drink. Fine particulate matter (PM2.5) is the air pollutant that causes the most health problems and premature deaths. The effects of these environmental risks include cancers, respiratory disorders, asthma, allergies, and other diseases. It is estimated that nearly half of lung cancer cases in people who have never smoked are related to air pollution.
- ▶ The so-called French approach is based on analyzing environmental and health protection issues together, but this type of research requires a high level of investment and makes the analysis much more complex.
- ▶ Microplastics and nanoplastics are present in the food chain.



HEALTH EFFECTS OF AIR POLLUTION

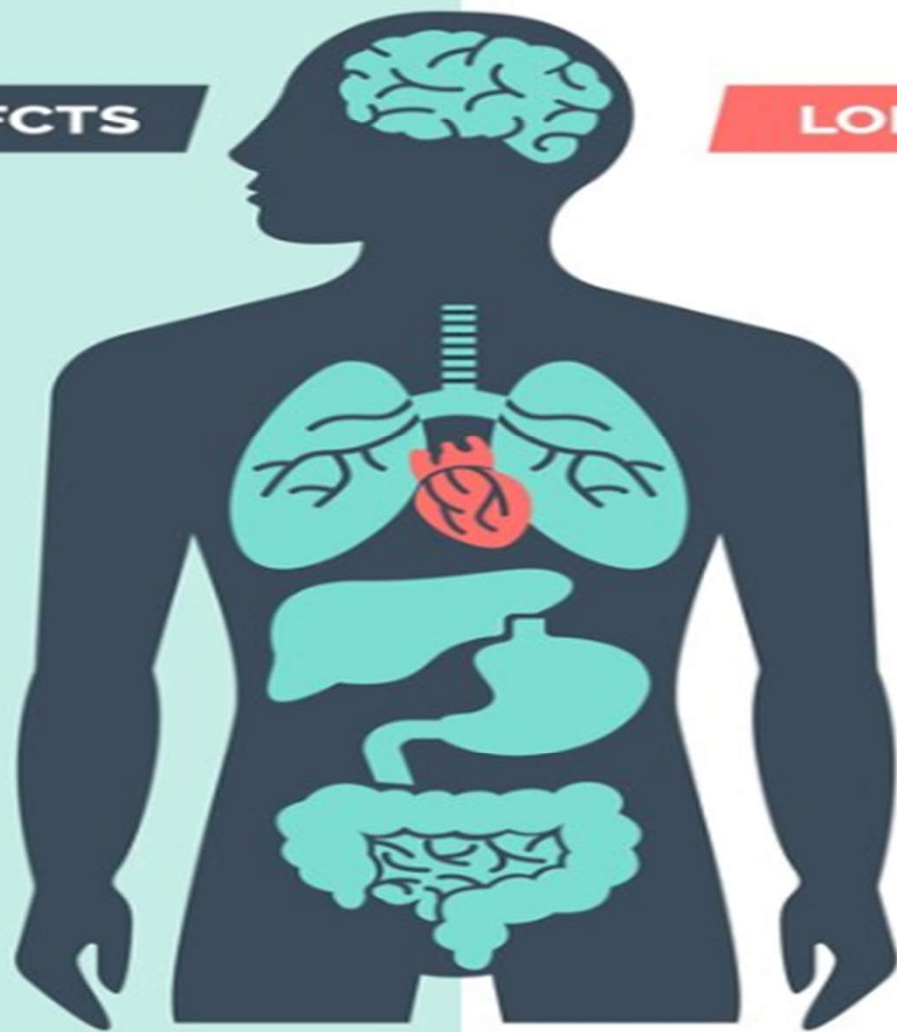
SHORT TERM EFFECTS

HEADACHE
EYE INFLAMMATION
COUGHING
PAINFUL
PNEUMONIA
BREATHING
BRONCHITIS
SKIN IRRITATION

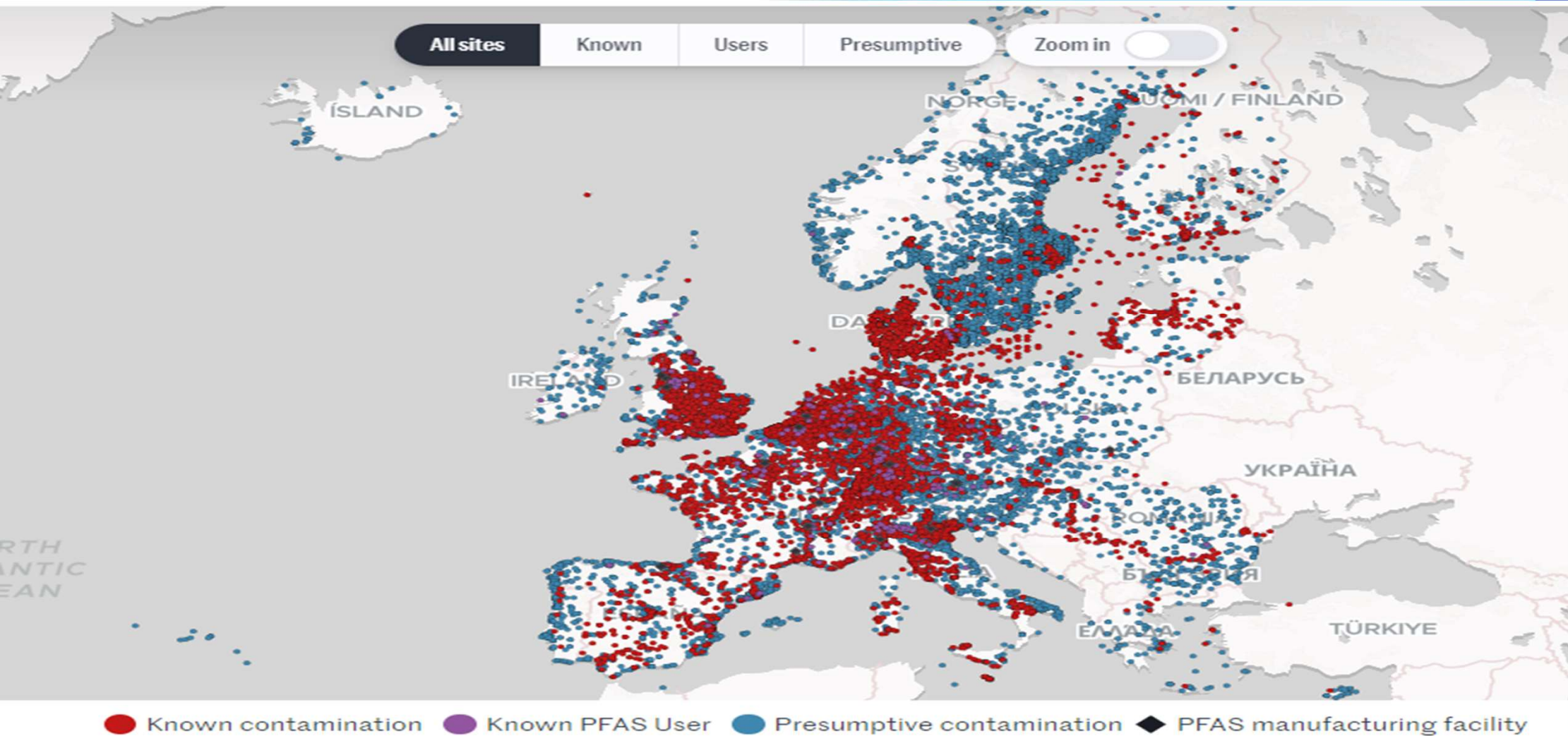


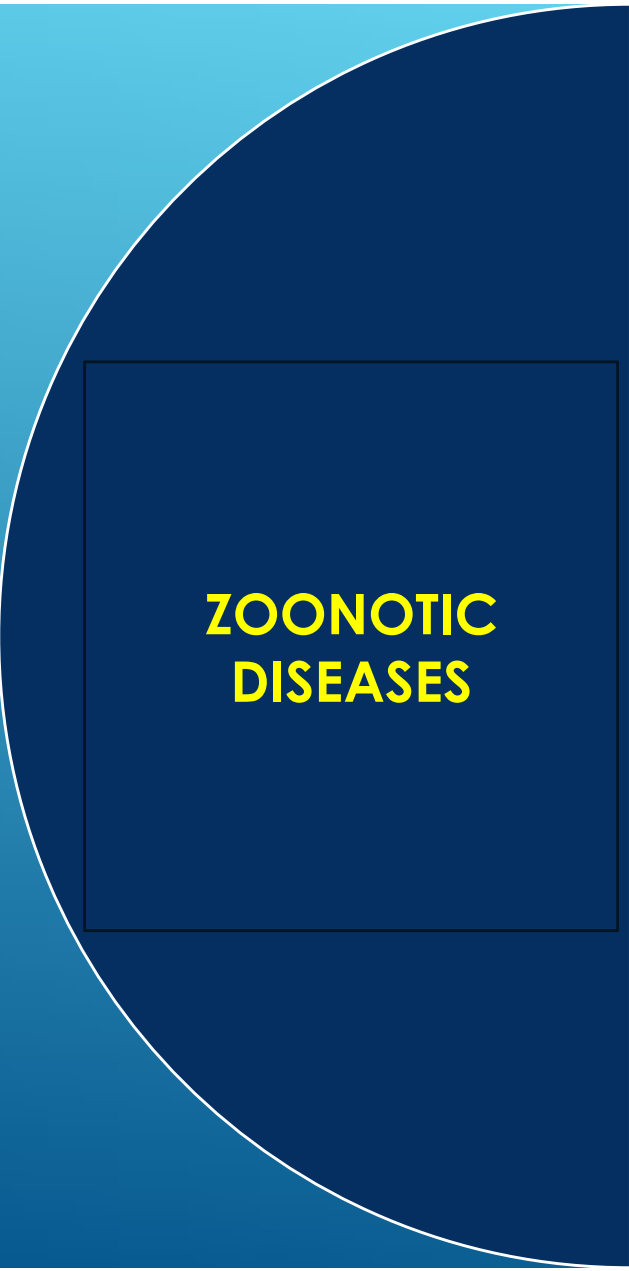
LONG TERM EFFECTS

AFFECTS CENTRAL
NERVOUS SYSTEM
CARDIOVASCULAR
DISEASES
RESPIRATORY
DISEASES
IMPACTS ON LIVER
IMPACTS ON
REPRODUCTIVE
SYSTEM



LINKS BETWEEN ENVIRONMENTAL CRIME AND HUMAN HEALTH.





ZOO NOTIC DISEASES

The destruction of ecosystems has resulted in an increase in zoonotic diseases transmitted from animals to humans, due to the crucial role of biodiversity in protecting against infectious agents.

The loss of natural habitats, caused by human activities such as deforestation and animal exploitation, is the main driver of this situation.

Human encroachment into natural spaces has increased contact between humans and virus-carrying animals, facilitating disease transmission and the adaptation of microbes to the human body.

Eliminating disease-carrying animals does not solve the problem; it is essential to address the underlying causes, such as habitat destruction and wildlife exploitation.

Reports from UNEP and FAO identify risk factors such as the demand for animal proteins, agricultural intensification, and climate change, highlighting the need to address these issues to prevent future pandemics and protect public health and biodiversity.

60%

of existing human
infectious diseases
are zoonotic



At least 75%

of emerging infectious
diseases of humans
(including Ebola, HIV,
and influenza)
have an animal origin



5

new human diseases
appear every year.
Three are of animal
origin



80%

of agents with
potential bioterrorist
use are zoonotic
pathogens



WORLD ORGANISATION FOR ANIMAL HEALTH

Protecting animals, preserving our future

TRANSGENICS : GMO/ LMO

ARE INCLUDED IN THE BALANCE OF ECOSYSTEMS.

IT IS IMPOSSIBLE TO PREVENT GENETIC CONTAMINATION: POLLEN, CARRIED BY WIND OR BEES, CANNOT BE CONTAINED. ONCE A GM PLANT IS RELEASED, IT IS IMPOSSIBLE TO PREVENT IT FROM CONTAMINATING ITS NON-GM COUNTERPARTS.

FOR EXAMPLE THE MOST COMMON HERBICIDE (\$9.14 billion), GLYPHOSATE ON 20 MARCH 2015, THE INTERNATIONAL CANCER RESEARCH AGENCY, WHO DECLARED GLYPHOSATE 'A PROBABLE CARCINOGEN FOR HUMANS' AND CLASSIFIED IT IN GROUP 2A.

MORE THAN 90% OF THE SOYA PRODUCED IN BRAZIL, THE UNITED STATES AND ARGENTINA (THE MAIN EXPORTERS TO SPAIN AND THE EU) IS TRANSGENIC, I.E. GENES FROM OTHER ORGANISMS HAVE BEEN ADDED TO THE GENETIC MATERIAL



THE GLOBAL REPORT ON WILDLIFE CRIME,

(first published in 2016 and then updated in 2020)



WILDLIFE TRAFFICKING IS INCREASINGLY RECOGNISED AS A SPECIALISED AREA OF ORGANISED CRIME.



THE 2020 EDITION OF THE REPORT REPRESENTS A FIRST ASSESSMENT OF TRENDS IN WILDLIFE CRIME, SHOWING DECLINES IN ELEPHANT AND RHINO POACHING UP TO 2011.



DRAMATIC INCREASE IN THE TRAFFICKING OF PANGOLIN SCALES, WHICH HAS INCREASED TENFOLD IN JUST FIVE YEARS.



IT ALSO NOTES THE EMERGENCE OF NEW MARKETS, SUCH AS THAT FOR EUROPEAN GLASS EELS.

THE SCALE OF WILDLIFE TRAFFICKING

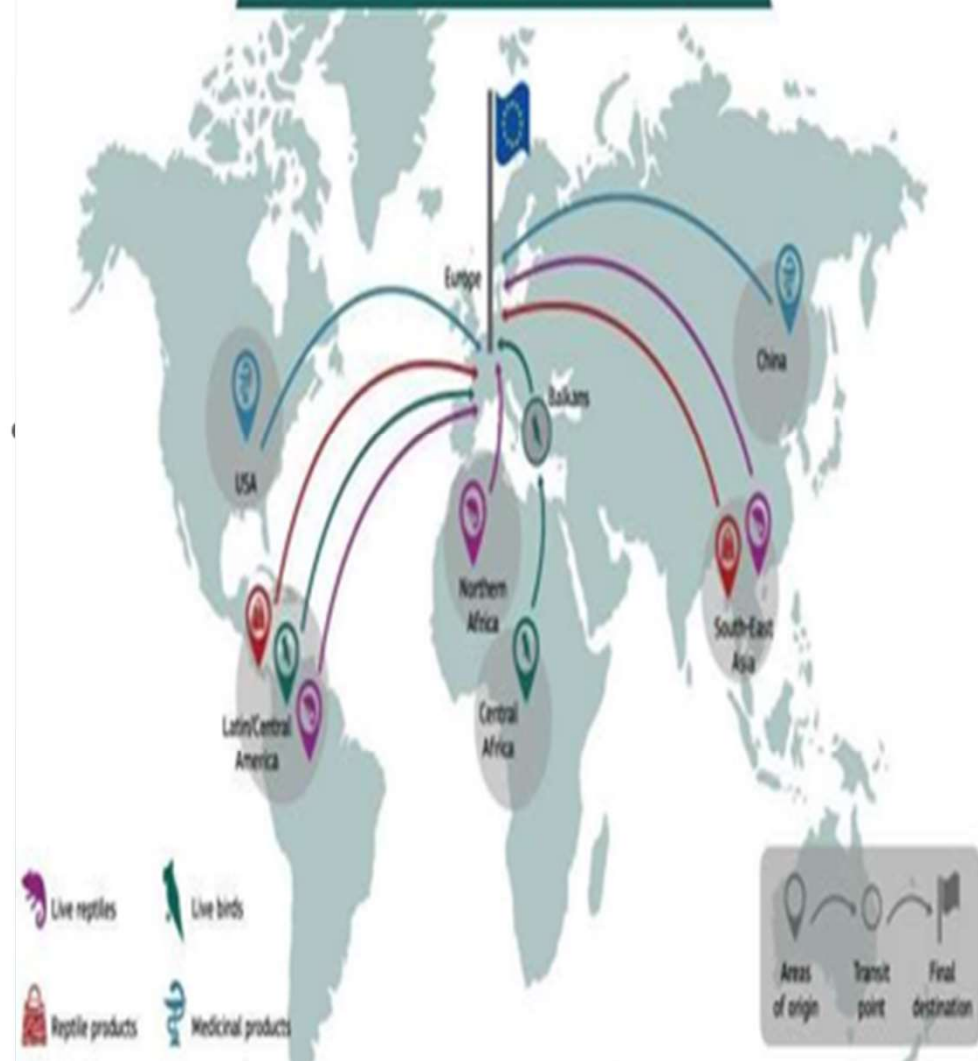
Wildlife trafficking is a serious criminal activity, and it's on the rise

Wildlife trafficking is globally **third only** behind narcotics and illegal arms trade



ROUTES OF WILDLIFE TRAFFICKING

EU AS FINAL DESTINATION MARKET



Results of EU police operations 2022



€ 15 million
total value
of seizures

401
people arrested

Seizures



334 620 tonnes of waste
Illicitly trafficked, waste includes:
plastic, metal e-waste, textiles,
paper and mixed waste, 3 vessels.



639 980 kg of fluorinated-
gases, worth € 12 529 302
F-gases are powerful greenhouse
gases with an even higher warming
potential than carbon dioxide.



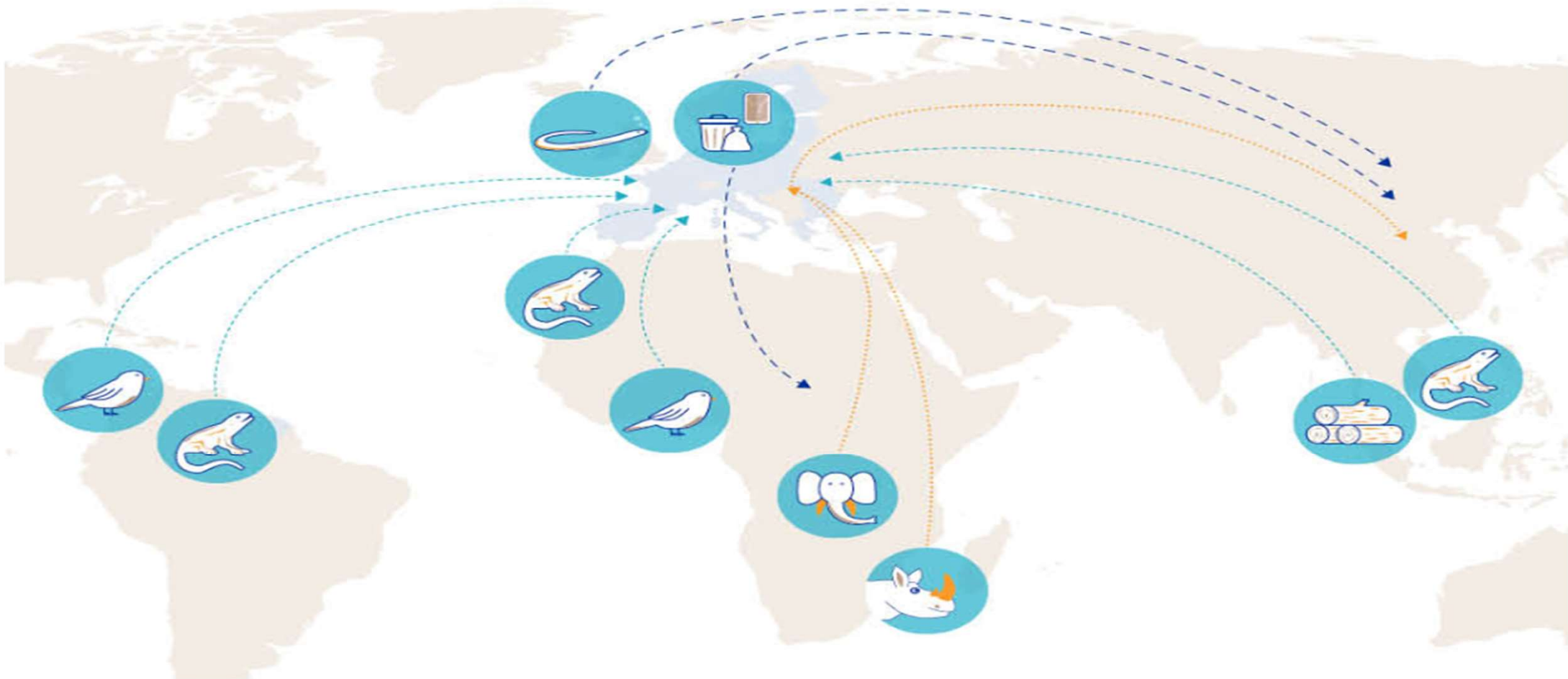
1 255 kg of glass eels,
worth €1.9 million
They measure 75-90mm and are
mostly sold in Asia as food.

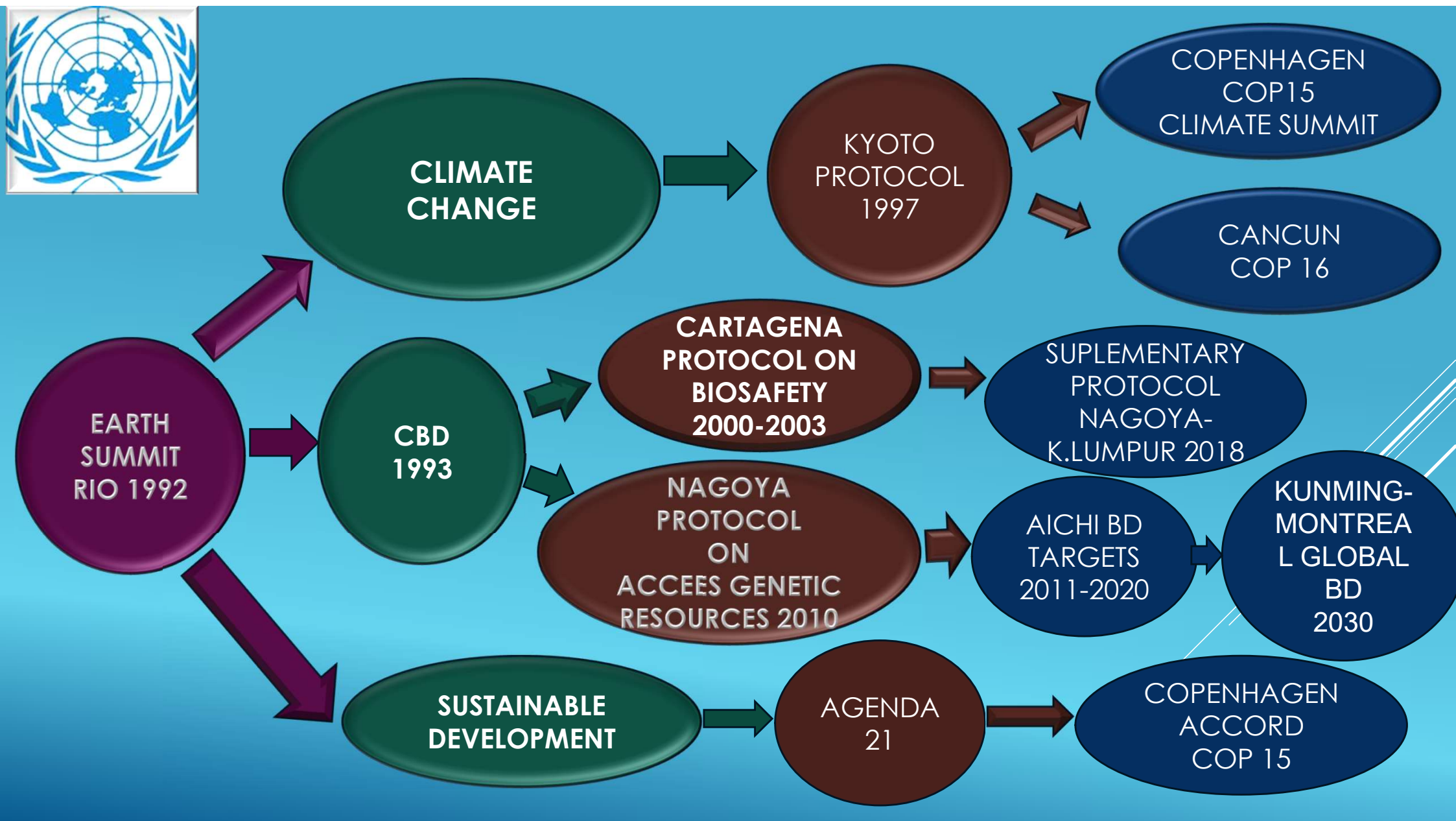


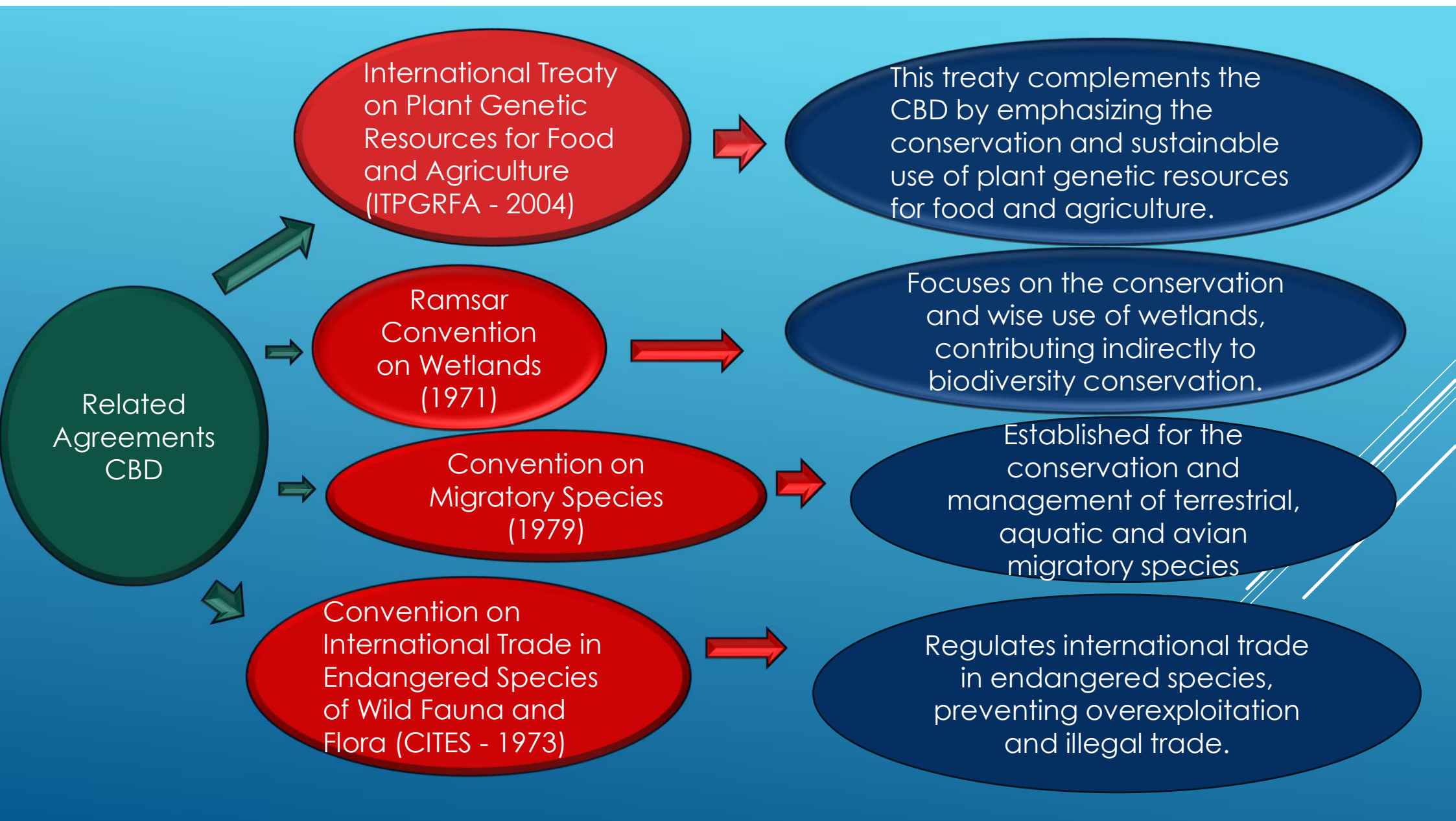
1 023 endangered species of
wild fauna and flora
Includes: 5 elephant tusks, 386 birds, 15
parrot eggs, 16 rhino horns, 186 shark
fins, 72 turtles, 37 reptiles, 113 coral

potential than carbon dioxide.

ROUTES FOR WASTE, WOOD, AND PROTECTED SPECIES TRAFFICKING







CONVENTION ON BIOLOGICAL DIVERSITY (CBD) - 1992:

The CBD is a pivotal international treaty adopted during the Earth Summit in Rio de Janeiro in 1992. It entered into force on December 29, 1993.

It emerged as a response to growing concerns about biodiversity loss, habitat destruction, and the need for sustainable development.

1 CONFERENCE OF THE PARTIES (COP):

The CBD operates through regular meetings of the Conference of the Parties (COP), where decisions and initiatives related to biodiversity conservation are discussed and agreed upon..

2. KEY PRINCIPLES:

Precautionary Principle: Acknowledges that lack of full scientific certainty should not be a reason for postponing measures to prevent environmental degradation.

Polluter Pays Principle: Holds those responsible for environmental damage accountable for the costs of restoration.

Sovereignty over Genetic Resources: Recognizes the sovereign rights of countries over their own genetic resources.

3. NATIONAL BIODIVERSITY STRATEGIES AND ACTION PLANS (NBSAPS):

Parties to the CBD are encouraged to develop and implement NBSAPs, outlining their national priorities and strategies for biodiversity conservation and sustainable use.

CONVENTION ON BIOLOGICAL DIVERSITY (1992): GOALS



THE CONSERVATION OF
BIOLOGICAL DIVERSITY



THE SUSTAINABLE USE OF ITS
COMPONENTS



THE FAIR AND EQUITABLE SHARING
OF BENEFITS ARISING OUT OF THE
USE OF GENETIC RESOURCES.

CONVENTION ON BIOLOGICAL DIVERSITY (1992): CONCRETE GOALS



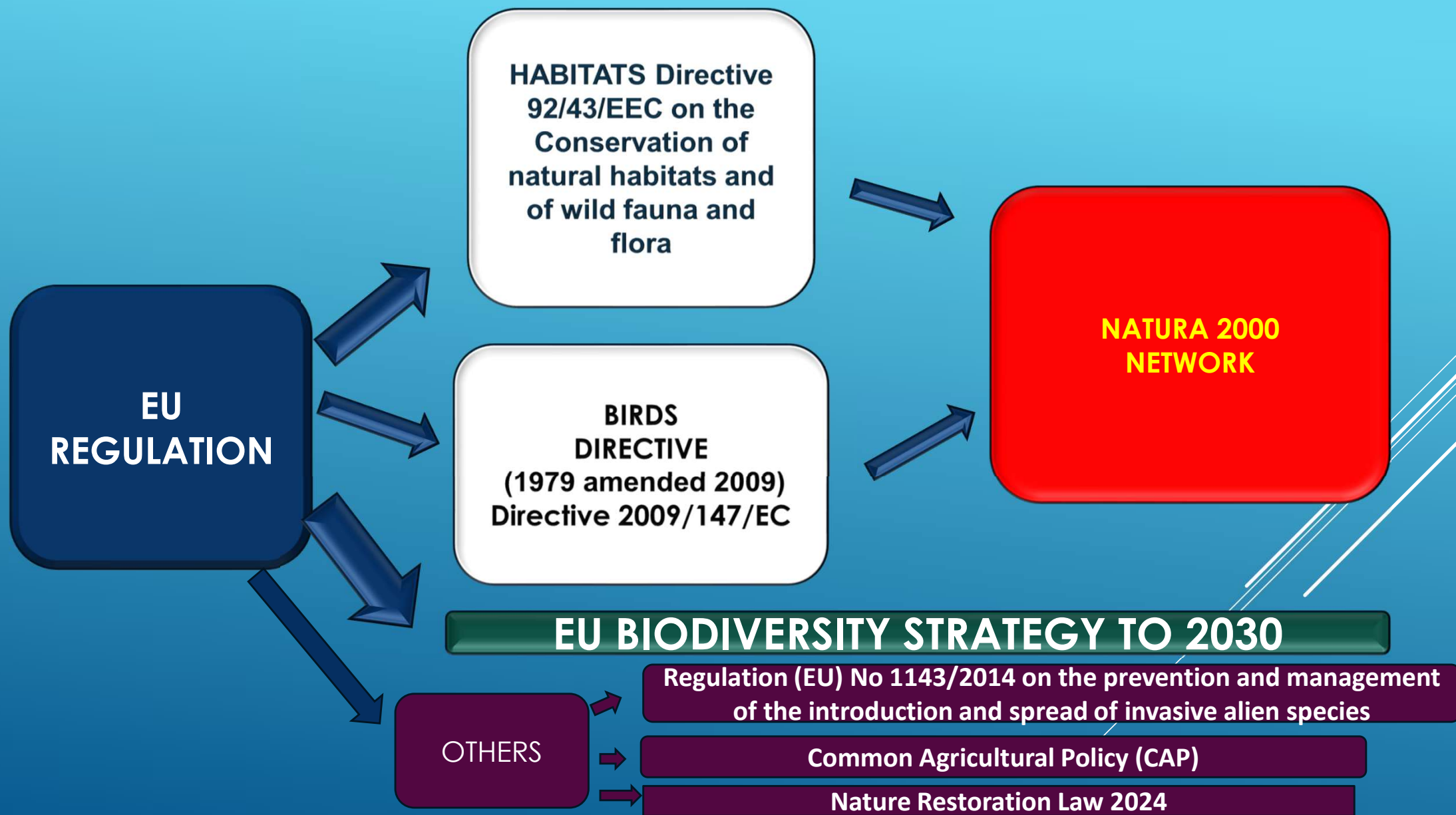
INCREASING
ORGANIC FARMING
AND BIODIVERSITY-
RICH LANDSCAPE
FEATURES ON
AGRICULTURAL
LAND

**HALTING AND
REVERSING THE
DECLINE OF
POLLINATORS**

RESTORING AT LEAST
25000 KM OF EU
RIVERS TO A FREE
FLOWING STATE

**REDUCING THE USE OF
PESTICIDES 50% BY
2030**

PLANTING 3 BILLION
TREES BY 2030



EUROPEAN GREEN DEAL AND BIODIVERSITY STRATEGY FOR 2030

Approved in 2020, the European Green Deal comprises a series of policy initiatives by the European Commission. Its overarching goal is to achieve climate neutrality for the EU by the year 2050.

As part of the European Green Deal, the biodiversity strategy for 2030 is the EU's plan to put biodiversity on the path to recovery by 2030. It contains specific commitments and actions to protect nature and reverse the degradation of ecosystems, building on existing nature laws.

This strategy, along with the EU Farm to Fork Strategy, is a potential game changer for EU nature, food and farming policies.

The strategies propose a new wave of essential and long overdue targets on topics such as protected areas, restoration of nature, organic farming and the reduction of agricultural chemicals.



EU BIODIVERSITY STRATEGY TO 2030

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EU BIODIVERSITY STRATEGY FOR 2030

STRATEGY ADOPTED BY EUROPEAN COMMISSION ON 20th MAY 2020

OVERALL GOAL: TO PUT BIODIVERSITY EUROPE ON THE PATH TO RECOVERY BY 2030, BY PROTECTING AND RESTORING NATURE AND ECOSYSTEM IN THE EU.

HEADLINE TARGETS:

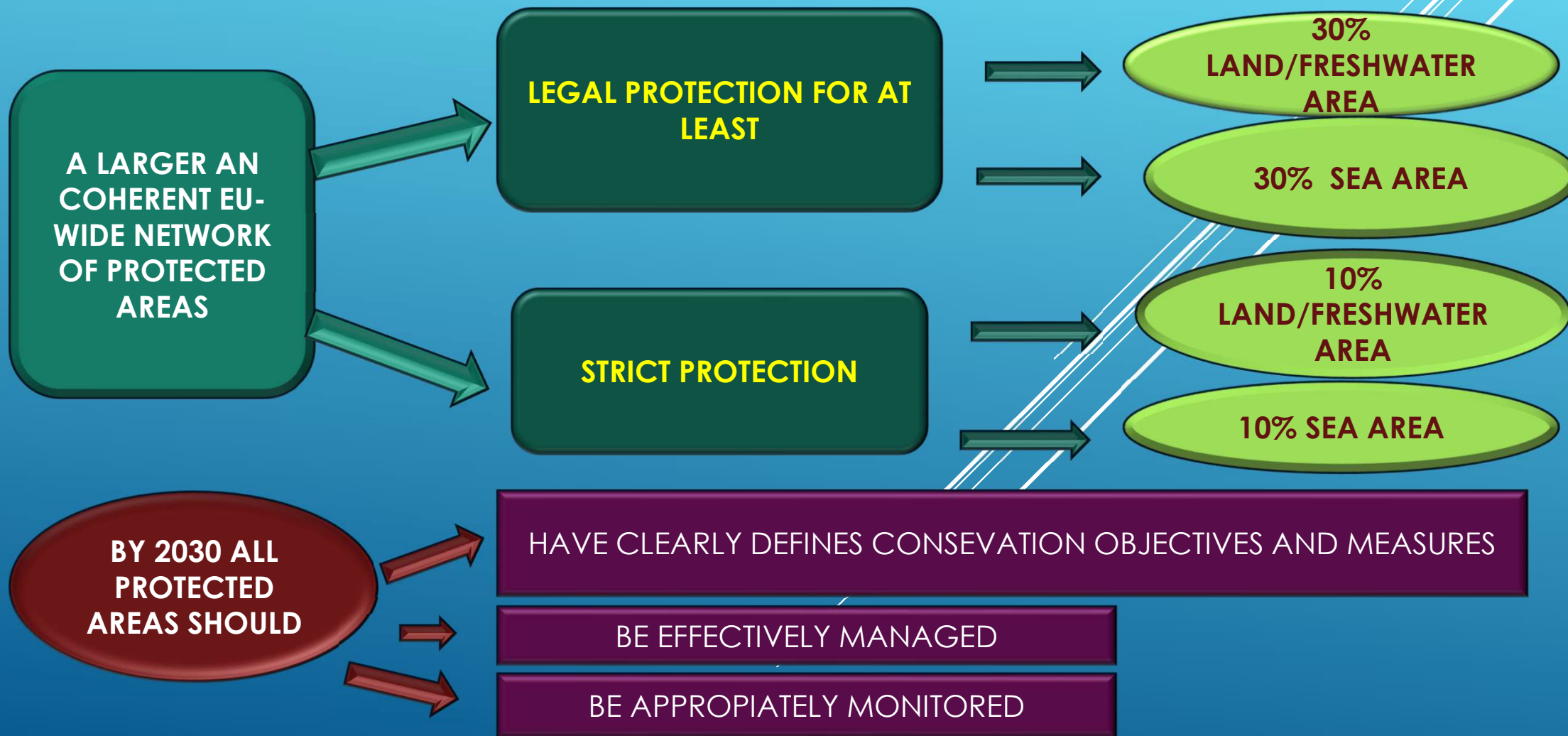
1.- ESTABLISHES A LARGER COHERENT EU WIDE-NETWORK OF PROTECTED AREAS.

2. DEVELOP A EU RESTAURATION PLAN.

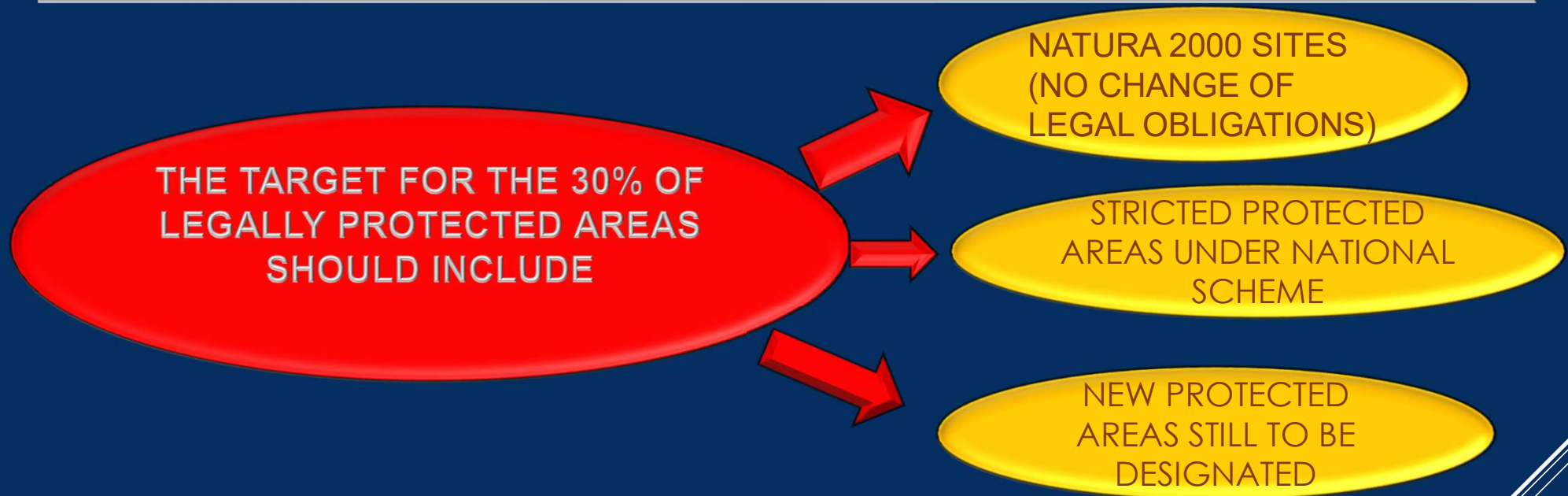
THE STRATEGY WAS ENDORSED BY MEMBER STATES THROUGH COUNCIL CONCLUSIONS IN OCTOBER 2020, AND BY THE EUROPEAN PARLIAMENT IN AN OWN INITIATIVE REPORT ADOPTED IN JUNE 2021



PROTECTED AREAS TARGET IN BIODIVERSITY STRATEGY



COMMISSION GUIDANCE NOTE (28 JANUARY 2020)

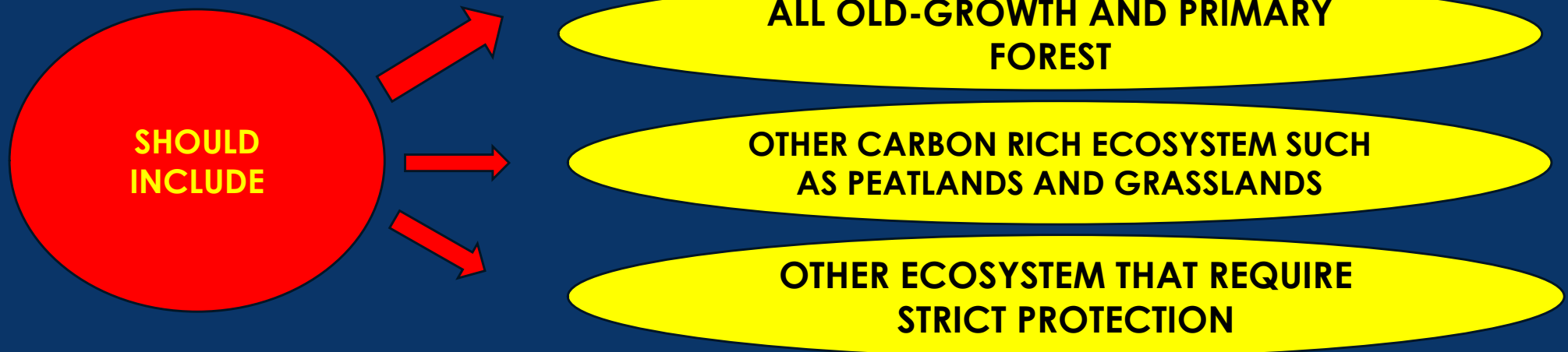


THE NETWORK SHALL ENSURE COHERENCE & INTEGRATE ECOLOGICAL CORRIDORS IN ORDER TO ENSURE CONNECTIVITY & PREVENT GENTIC ISOLATION, ALLOW SPECIES MIGRATION AND MANTAIN ENHANCE HEALTHY ECOSYSTEMS.

**OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES (OECMs)& URBAN GREEN AREAS SHOULD BE CONSIDERED.
RESTORED AREAS SHOULD ALSO BE CONSIDERED.**

STRICT PROTECTION

STRICTLY PROTECTED AREAS NEED TO BE LEGALLY PROTECTED (AS SUCH)



NATURAL PROCESSES ARE LEFT UNDISTURBED: NOT NECESSARILY INCOMPATIBLE WITH SOME HUMAN ACTIVITIES.

BOTH NON INTERVENTION AREAS AND AREAS WHERE ACTIVE MANAGMENT IS REQUIRED TO ACHIEVE THE CONSERVATION OUTCOME.

FUNCTIONALLY MEANING AREAS: SUFFICIENT SIZE ON THEIR OWN OR TOGETHER WITH BUFFER ZONES.

DIFFERENCE PROTECTION VS STRICT PROTECTION?

PROTECTION (30 % TARGET)

CONSERVATION OBJECTIVES OFTEN LESS AMBITIOUS THAN MAXIMUM ECOLOGICAL SITE POTENTIAL.

MANAGEMENT MAY REFLECT A COMPROMISE WITH OBJECTIVE OTHER THAN BIODIVERSITY RELATED ONES.

OTHER EXTRACTIVE ACTIVITIES MAY OCCUR.

STRICT PROTECTION (10% TARGET)

CONSERVATION OBJECTIVES AMBITIOUS AND BASED ON MAXIMUM ECOLOGICAL SITE POTENTIAL. MANAGEMENT ACTIVITIES LIMITED TO THOSE NECESSARY FOR RESTORATION/ CONSERVATION OF HABITATS AND SPECIES FOR WHICH THE SITE IS DESIGNATED.

EXTRACTIVE ACTIVITIES ONLY IF NEEDED TO ACHIEVE CONSERVATION OBJECTIVES.

NATURE RESTORATION LAW 2024

On 17 June 2024, the European Council formally adopted the Nature Restoration Law (the Regulation). The Regulation establishes a framework for Member States to implement measures to restore at least 20% of the EU's land and sea areas by 2030, and all ecosystems "in need of restoration" by 2050.

It sets out legally binding targets for restoring degraded ecosystems



As a frame of reference, prior reports have indicated that approximately 81% of habitats in the EU are currently in poor condition. Member States shall, as appropriate, give priority to restoration measures in areas located in Natura 2000 sites until 2030

NATURE RESTORATION LAW 2024: 3 PIVOTAL POINTS

NATIONAL RESTORATION PLANS



Each Member State will create a restoration plan, including financial resources, measures for climate change adaptation, and milestones for 2030, 2040, and 2050. These plans must be transparent and involve public participation.

SPECIFIC ECOSYSTEM TARGETS



The law sets binding targets for restoring various habitats, such as forests, peatlands, rivers, and urban green spaces, as well as reversing pollinator decline, restoring farmland and forest biodiversity, and planting three billion trees by 2030.



Special attention to pollinators

ECONOMIC IMPACT



Economic Impact: Nature restoration is economically profitable, with an estimated return of over €8 for every euro invested. Healthy ecosystems are essential for business resilience, food security, and mitigating natural disasters like droughts and floods

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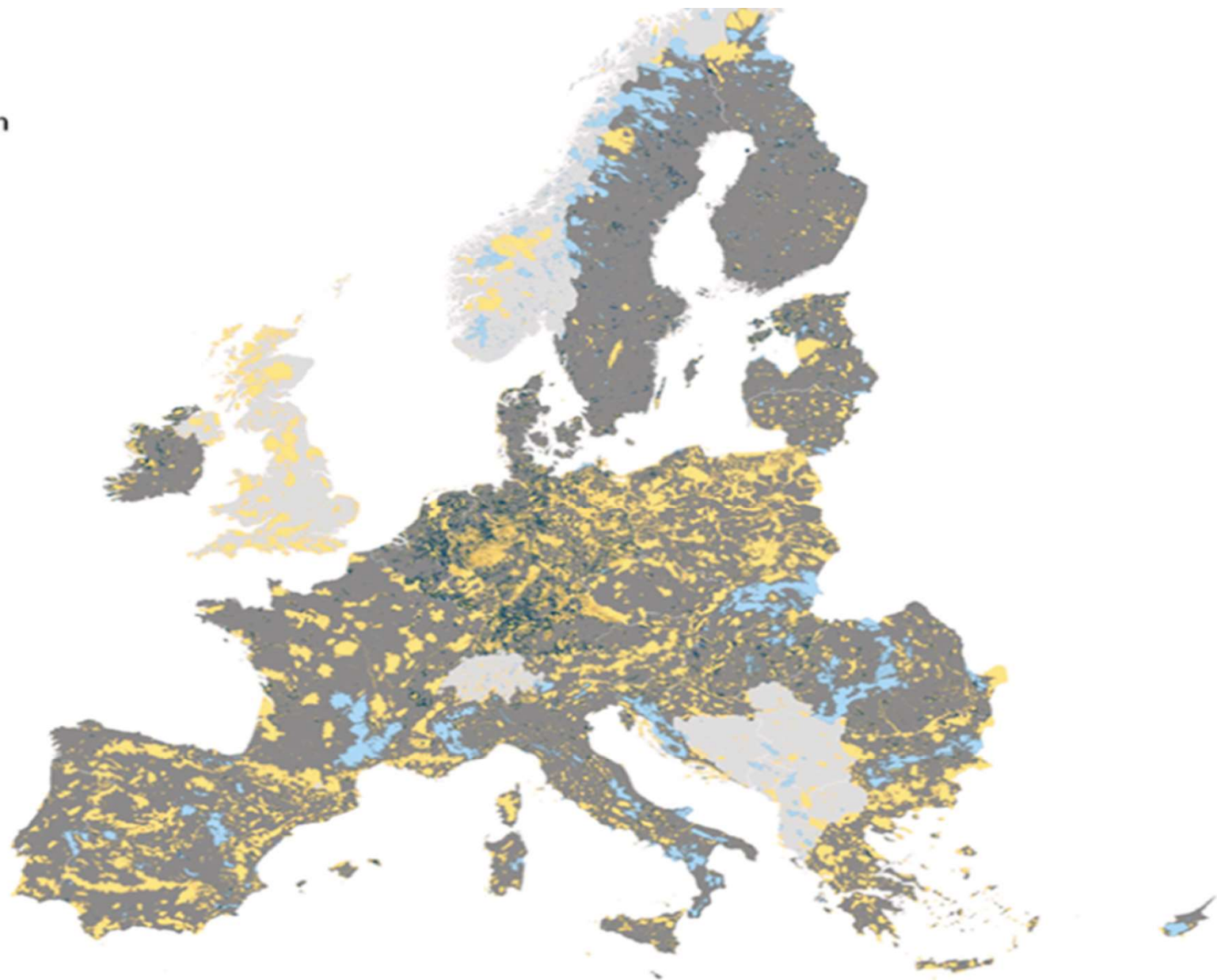
One in three bee and butterfly species are in decline

ECONOMIC IMPACT

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European Network

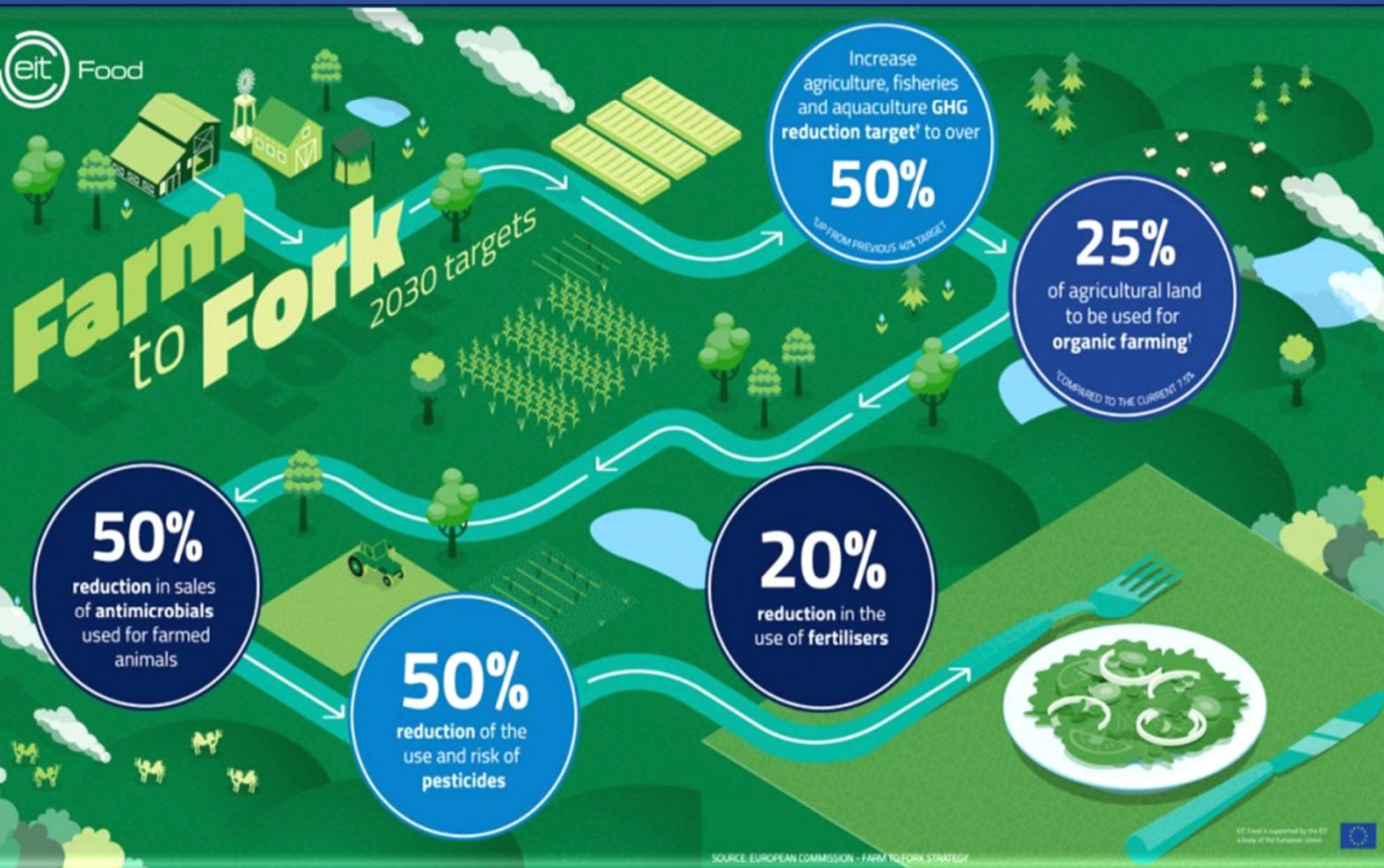
- Existing PAs - Strict Protection
- Existing PAs - Not Strict Protection
- New PAs
- EU27
- EU extended



FROM FARM TO FORK STRATEGY



Food



Farm to Fork Strategy

For a fair, healthy and environmentally-friendly food system

#EUGreenDeal



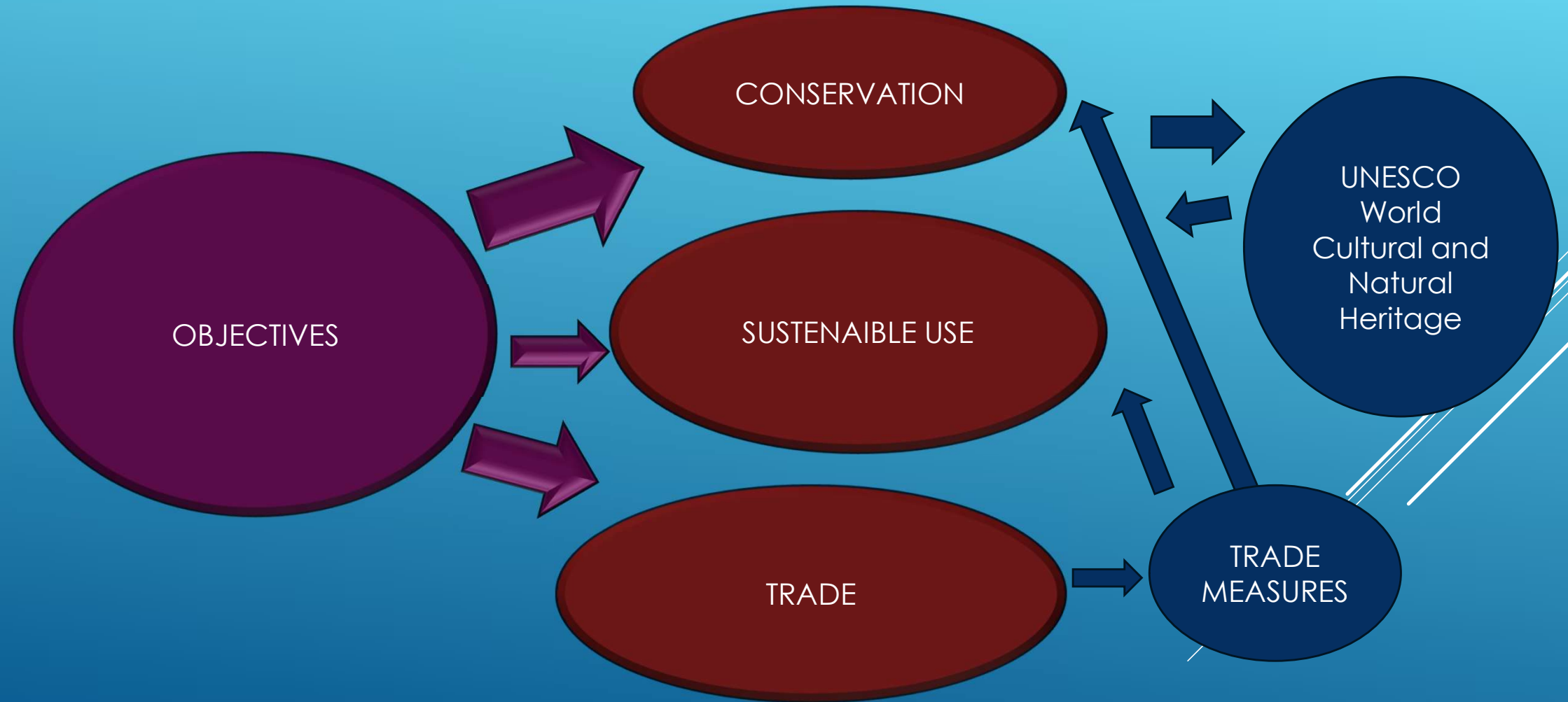
All species shown here are protected by CITES

A close-up photograph of a Red-capped Parrot (Cyanoramphus novaezelandiae). The parrot has a bright red forehead and crown, a blue face patch around its eye, and a large, pale yellow beak. Its body is covered in vibrant green feathers. The background is dark and out of focus.

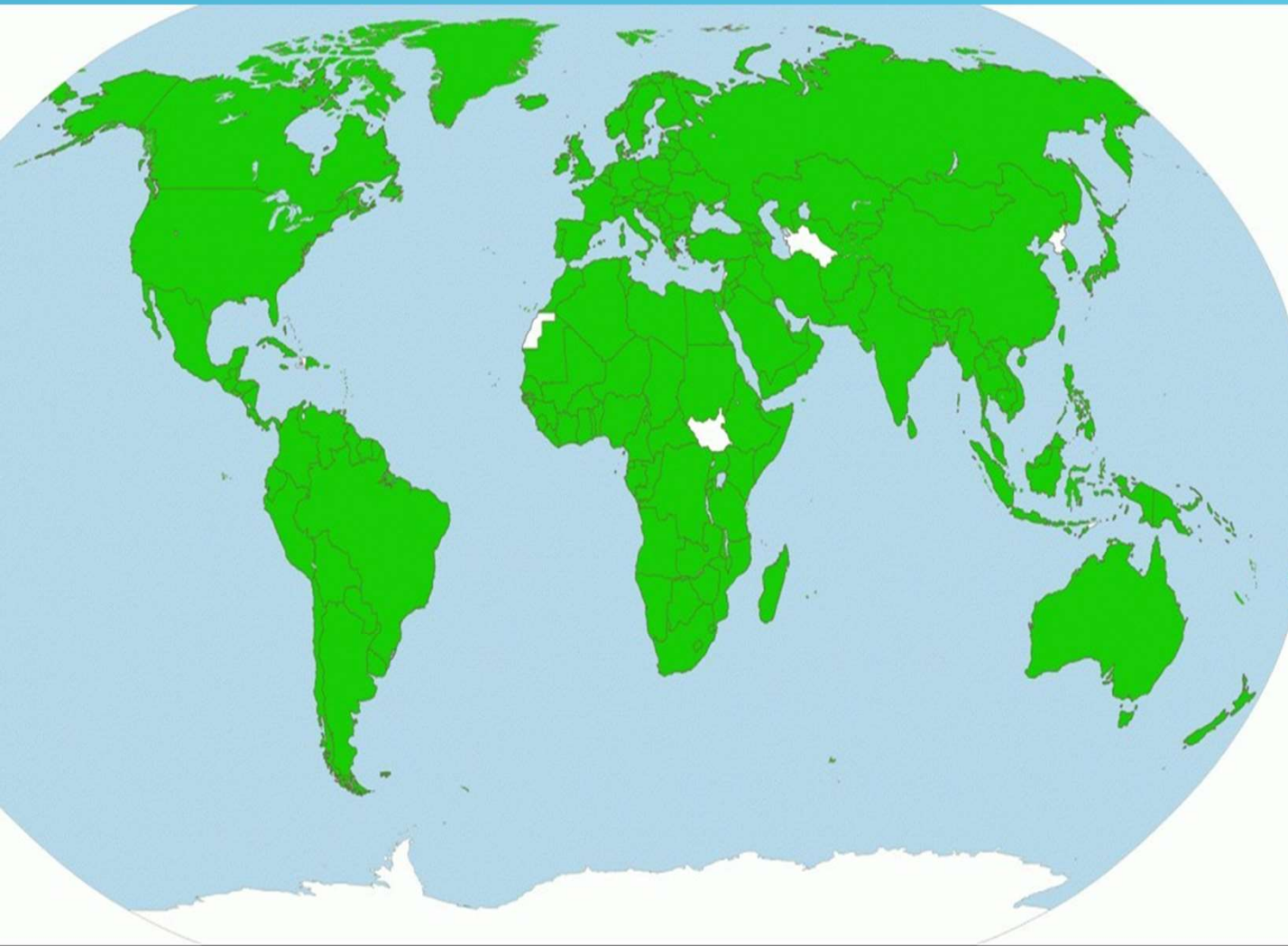
[illegible]

The convention was signed on March 3, 1973, in Washington, D.C., and came into force on July 1, 1975. At present, 184 Parties have joined the Convention, which means that almost all the countries in the world are party to it.

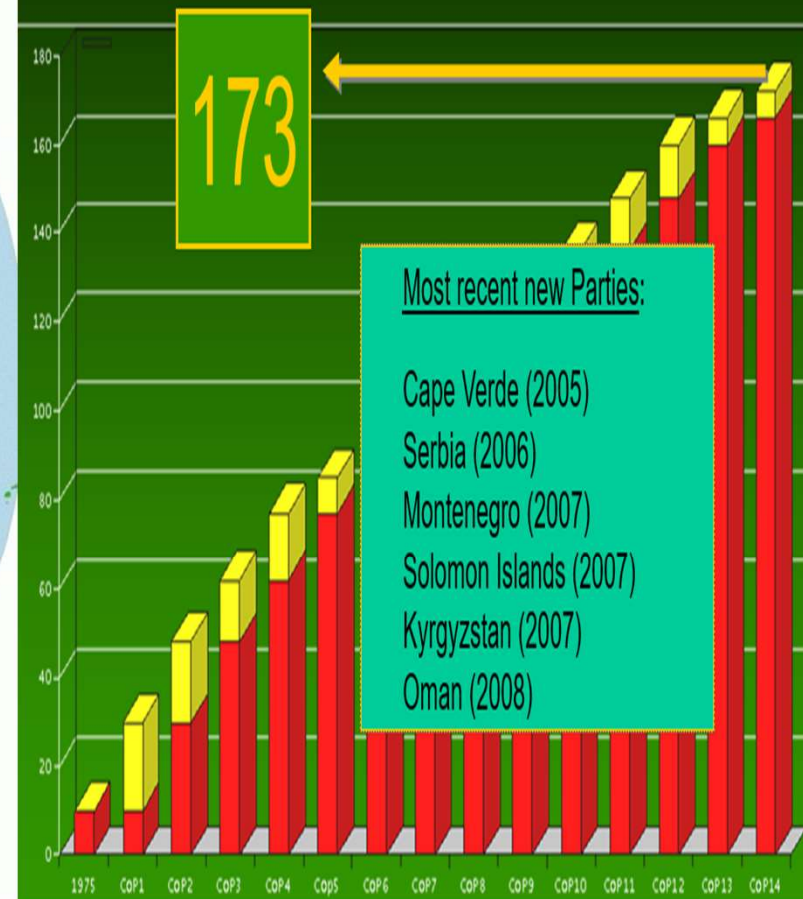
CITES: COMPONENTS



MEMBER STATES OF CITES



...is relevant to an ever-increasing number of Parties



TRADE AND PROPERTY



Mexico Department of Game and Fish officers took possession of this tiger confiscated by APD on 11/11/11.

CITES regulates commercial and non-commercial



International trade (export, import, re-export, introduction from the sea)



Include specimens (live/dead, parts/derivatives) of listed animal and plant species



through a system of permits and certificates which are issued only when certain conditions are met (specimen is legally acquired; trade is not detrimental to survival of species), and which must be presented when leaving and entering a country

THE CITES SPECIES



40.900
ENDANGERED
SPECIES

6.610 species of
animals

34.310 species of plants



THREE CITES APPENDICES

Species subject to CITES regulation are divided amongst three Appendices



SUMATRA TIGER

Appendix I: Highest level of protection. Includes species that **are at the brink of extinction**, and trade in these species is permitted only under exceptional circumstances for non-commercial purposes, such as scientific research.



AMERICAN GINSENG

Appendix II: Encompasses species **that may face the risk of extinction if their trade is not regulated**. Trade in these species is permitted, but it is subject to licensing and sustainable management to prevent over-exploitation.



FLORIDA SOFTSHELL TURTLE

Appendix III: Contains species for which **a member country has sought international cooperation to control their trade**.





TRACEABILITY



DOCUMENTATION REQUIREMENTS: Strict documentation for international trade transactions, requiring detailed information about the origin, legality, and sustainability of traded specimens.



PERMIT SYSTEM: Implementation of a permit system, where parties involved in trade must obtain permits issued by competent authorities, containing information about species, quantities, and trade purpose.



MONITORING AND ENFORCEMENT: Utilization of traceability to enhance monitoring and enforcement capabilities, enabling authorities to identify irregularities and address illegal activities promptly.



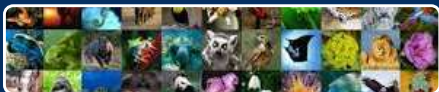
UNIQUE IDENTIFIERS: Encouragement of the use of unique identifiers such as microchips or tags to link individual specimens to permit information, facilitating verification.



TECHNOLOGY INTEGRATION: Adoption of technological advancements, including electronic permitting systems and databases, for more efficient data management and real-time information sharing among member countries.



CAPACITY BUILDING: Recognition of the importance of building member countries' capacity through training programs and resources to implement effective traceability measures.



CONTINUOUS IMPROVEMENT: Regular review and improvement of traceability measures during Conferences of the Parties (COPs) to address challenges, share best practices, and propose enhancements.



CONTRIBUTION TO CONSERVATION: Beyond preventing illegal trade, effective traceability contributes to conservation efforts by ensuring that the trade of endangered species is sustainable, supports local communities, and helps maintain biodiversity.

A LOOK AHEAD

- ▶ The current proposal is part of the wider package of initiatives under the **European Green Deal**.
- ▶ As stated in the EC proposal for a new ECD, **more effective enforcement in the area of environmental crime** would contribute to more fair competition between businesses, improve governance and the quality of life of EU citizens.
- ▶ These **mid- and long-term benefits greatly outweigh the costs of additional human and material resources** for environmental law enforcement and judicial authorities in the Member States, necessary to make the new ECD work on the ground.
- ▶ Therefore, **the budgetary implications for the Commission and for Member States pale in comparison to the annual loss caused by environmental crime,**.



Decision (EU) 2015/451 concerning the European Union's accession to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein.

Commission Implementing Regulation (EU) 2019/1587 of 24 September 2019 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora in accordance with Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein.

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — EU Action Plan against Wildlife Trafficking .

Commission Implementing Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending Commission Regulation (EC) No 865/2006

REGULATIONS ON SPECIES TRAFFICKING

REGULATION (EC) 338/97
on the protection of
species of wild fauna and
flora by regulating trade
therein. This regulation
establishes the rules for the
implementation of CITES in
the EU. This regulation
includes provisions for the
issuance of permits and
certificates for the import,
export, and re-export of
CITES-listed species.

COMMISSION
REGULATION
(EC) 865/2006
of May 4, 2006,
laying down
detailed rules for
the application of
Regulation (EC)
338/97.

Regulation [EU]
792/2012 lays down
rules for the design
of permits,
certificates and
other documents
provided for in
Council Regulation
(EC) No 338/97 and
Commission
Regulation (EC) No
865/2006.

REGULATION (EU)
1587/2019
prohibiting the
introduction into
the Union of
certain species of
wild fauna and
flora.

REGULATION (EC) 338/97 V. CITES IN A NUTSHELL

Annex A includes:

All CITES Appendix I species, except where EU Member States have entered a reservation
Some CITES Appendix II and III species, for which the EU has adopted stricter domestic measures
Some non-CITES species

Annex B includes:

- All other CITES Appendix II species, except where EU Member States have entered a reservation
- Some CITES Appendix III species
- Some non-CITES species

Annex C includes:

- All other CITES Appendix III species, except where EU Member States have entered a reservation

Annex D includes:

- Some CITES Appendix III species for which the EU holds a reservation
- Some non-CITES species in order to be consistent with other EU regulations on the protection of native species, such as the Habitats Directive and the Birds Directive

EUROPEAN EXPERT GROUPS

The **COMMITTEE ON TRADE IN WILD FAUNA AND FLORA**, comprising representatives from national CITES management authorities and chaired by the Commission, meets 3-4 times a year to discuss the elaboration of legal acts and facilitate the adoption of EU positions at CITES meetings.

The **GROUP OF EXPERTS OF THE COMPETENT CITES MANAGEMENT AUTHORITIES**, comprising representatives from national CITES management authorities and chaired by the Commission, meets regularly to provide advice and expertise to the Commission on wildlife trade issues that do not fall under the competence of the Committee.

The **ENFORCEMENT GROUP**, comprising representatives from national authorities, is responsible for monitoring how EU countries enforce and implement wildlife trade rules.

The **SCIENTIFIC REVIEW GROUP** comprises representatives from national scientific authorities. It meets regularly to examine scientific questions relating to the application of the rules.



BIODIVERSITY SAFEGUARDING IN EUROPE: THE CRIMINALIZATION STRATEGY



From an environmental protection perspective, Europe has responded not only through administrative measures but has also opted to establish criminal safeguards for the preservation of its biodiversity.

Environmental crime is one of the world's most profitable organised criminal activities and has a major impact not only on the environment but also on human health. It is highly lucrative but it is hard to detect, prosecute and punish it. These factors make it highly attractive for organised crime groups.

The EU has taken action to combat criminal networks involved in all forms of environmental crime, including by introducing rules on waste management and on trade in wildlife and plants. The EU is also working on strengthening the existing rules on the protection of the environment through criminal law.

Law enforcement and customs authorities across all EU countries, EU institutions, agencies and bodies, as well as partner countries and organisations, work together to combat this form of crime through investigations, seizures and other police operations.

In this infographic you can find out what environmental crime is and the results of EU efforts against environmental crime under EMPACT, the EU's flagship initiative in its fight against organised and serious international crime.



D. 2008/99/CE

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

European Treaty Series - No. 172

**Explanatory Report
to the Convention on the Protection of Environment through Criminal Law**

Strasbourg, 4.XI.1998

1. The Convention on the Protection of the Environment through Criminal Law, drawn up within the Council of Europe by a committee of governmental experts under the authority of the European Committee of Crime Problems (CDPC), was opened for signature on 4 November 1998.
2. After declassifying the text of the Convention in 1995 with a view to a wider consultation, and on the basis of that committee's discussions, the Committee of Ministers adopted the Convention while taking into account the observations made by the Parliamentary Assembly, which was consulted in 1996.
3. The explanatory report's purpose is to facilitate the understanding of the Convention's provisions.

*Experience has shown that the existing systems of penalties have not been sufficient to achieve complete compliance with the laws for the protection of the environment. **Such compliance can and should be strengthened by the availability of criminal penalties, which demonstrate a social disapproval of a qualitatively different nature compared to administrative penalties or a compensation mechanism under civil law.***

Art. 5

D. 2008/99/CE

Member States shall take the necessary measures to ensure that the offences referred to in Articles 3 and 4 are punishable by effective, proportionate and dissuasive criminal penalties.



D. 2008/99/CE



ENVIRONMENTAL CRIMES

**UNDER-
DETECTED**

**UNDER-
REPORTED**

**UNDER-
INVESTIGATED**

**LIMITED
SANCTIONS
LEVELS**

**THE MAIN POINTS OF THE PROPOSAL FOR A NEW EU ENVIRONMENT
DIRECTIVE.**



COM (2021) 851 FINAL (SPRING 2024) SHOULD BE IMPLEMENTED IN TWO YEARS.

**DATA
COLLECTION**

**INVESTIGATIVE
TECHNIQUES**

**FREEZE AND
CONFISCATION**

**INTERNATIONAL
COOPERATION**

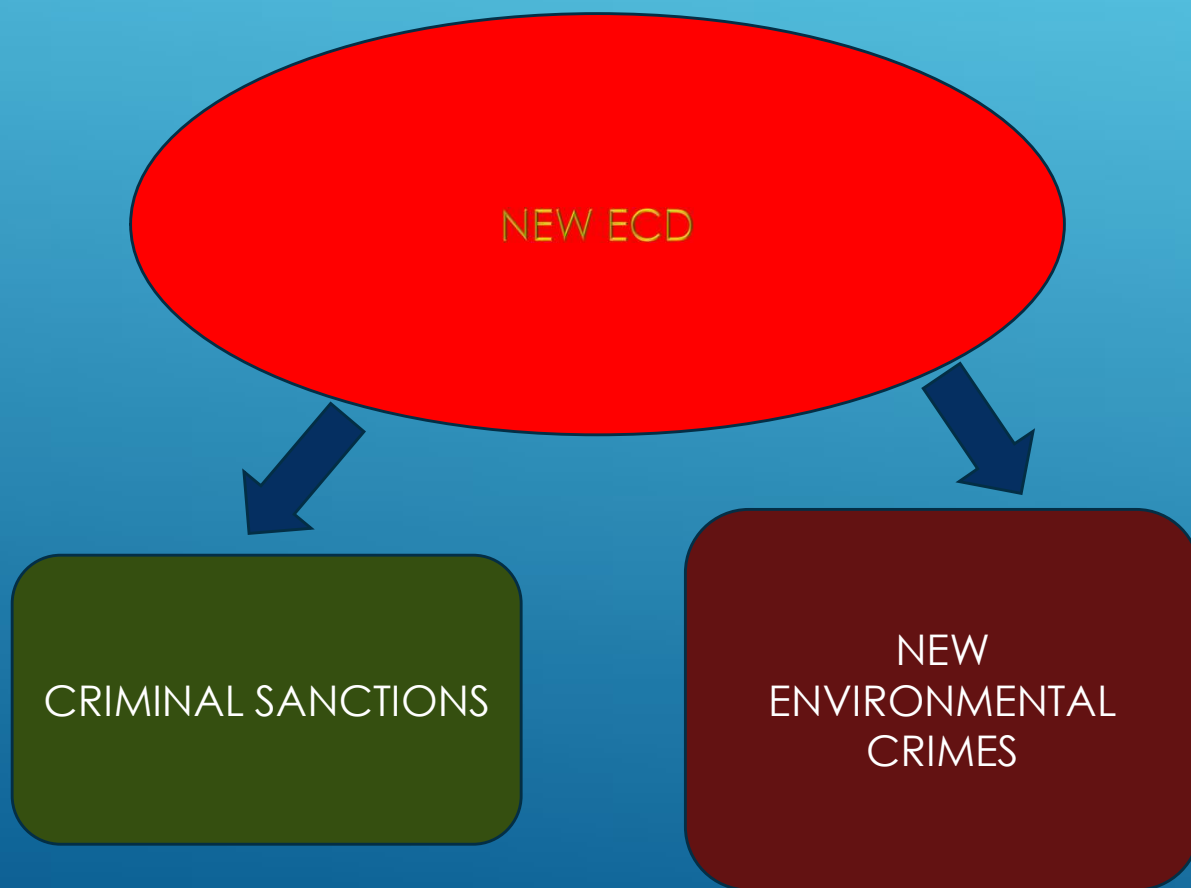
SPECIALIZATION

**A NATIONAL
STRATEGY ON
COMBATING
ENVIRONMENTAL
CRIMINAL
OFFENCES**

**PUNISH WIDE-SCALE
ENVIRONMENTAL
DAMAGE
"COMPARABLE TO
ECOCIDE"**



PROPOSAL FOR A NEW EU ECOCRIME DIRECTIVE COM (2021) 851



Compliance should be strengthened by the availability of criminal penalties, which demonstrate a social disapproval of a qualitatively different nature compared to administrative penalties.

NEW ENVIRONMENTAL CRIMES

Environmental Crimes

European Directive 2008/99/EC on the protection of the environment through criminal law



Waste

The improper collection, transport, recovery, or disposal of dangerous or toxic waste.



Dangerous substances

Dangerous activities carried out by illegal operations of a plant in which hazardous substances or preparations are being stored.



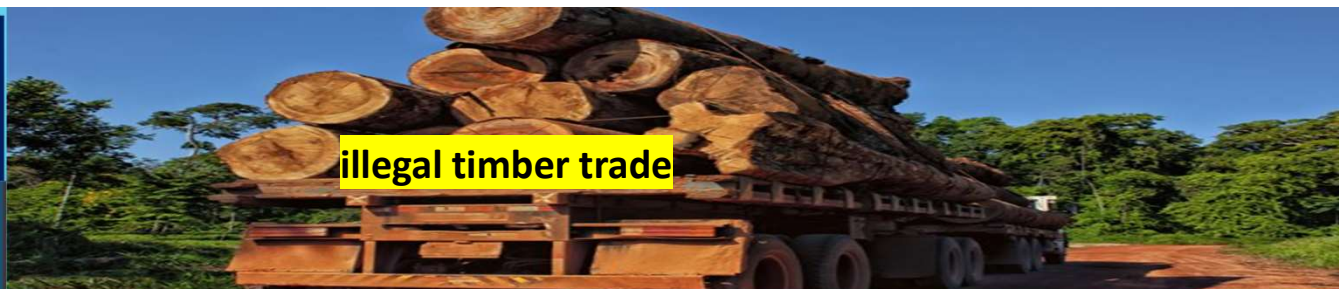
Wildlife and plants

The killing, destruction, unlawful possession or trade of protected wildlife and plants species.

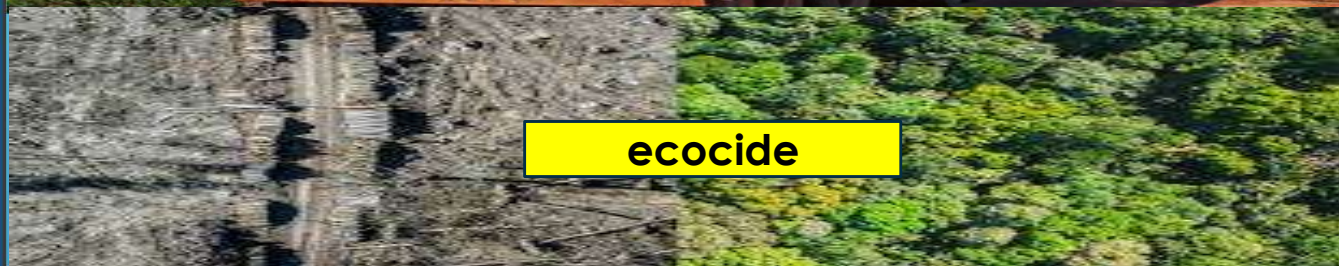


Ozone depleting substances

The production, importation/exportation, marketing, or use of ozone-depleting substances.



illegal timber trade



ecocide



illegal ship recycling



illegal water abstraction



serious breaches of EU chemicals legislation

CONCLUSIONS

NECESSITY OF CRIMINAL APPROACH: Recognizing the imperative for a criminal approach to defend biodiversity, particularly in alignment with the new Environmental Crime Directive, underscores the significance of robust legal instruments. Strengthening biodiversity laws, encompassing the Birds Directive, the Habitats Directive, CITES, and the new Environmental Crime Directive, ensures adaptability and efficacy in addressing evolving challenges within the EU.

NECESSITY OF SPECIALIZATION OF ALL MEMBER OF THE JUDICIAL CHAIN: Acknowledging the critical need for a criminal approach to defend biodiversity, particularly in alignment with the new Environmental Crime Directive.

UNIFORM ENFORCEMENT STANDARDS: Harmonization of enforcement procedures within the EU legal framework, including regulations, directives, and CITES, is crucial for consistent implementation across member states.

ENHANCED LEGAL INSTRUMENTS: Strengthening biodiversity legal instruments, such as the Birds Directive, the Habitats Directive, CITES, and others, ensures adaptability and efficacy in addressing evolving challenges within the EU.

LEGAL CERTAINTY PROMOTION: Measures in biodiversity regulations, directives, and the CITES Convention should actively promote legal certainty by minimizing ambiguities for stakeholders.

EFFICIENT LEGAL REMEDIES: Prioritizing efficient legal remedies for biodiversity violations within EU biodiversity law, including regulations, directives, and CITES, is vital for effective enforcement.

IT IS NECESSARY TO EMBRACE A MULTIFUNCTIONAL APPROACH THAT ENCOMPASSES ALL SUBJECTS AND STAKEHOLDERS.

A scenic landscape featuring rolling green hills. The foreground is filled with tall green grass and numerous yellow wildflowers. In the background, a dense forest of green trees covers the hills under a bright, slightly hazy sky. The overall atmosphere is peaceful and natural.

**THANK YOU VERY MUCH
FOR YOUR ATTENTION !**