



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

Workshop for judges and prosecutors
"TRAFFICKING OF PROTECTED SPECIES"

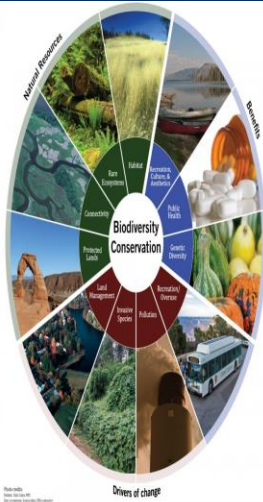
MAIN FEATURES IN THE INTERNATIONAL LAW FRAMEWORK

FAUSTINO GUDIN
SENIOR JUDGE

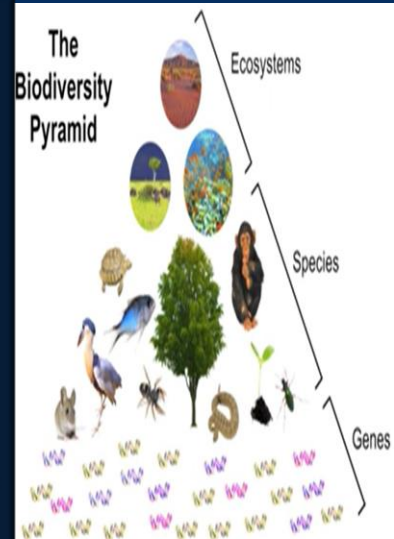
BIODIVERSITY

- ▶ IT'S THE TOOLBOX FOR THE FUNCTIONING OF THE ECOSYSTEMS, IT WORKS AS A FABRIC OF LIFE.
- ▶ UNDERPINS OUR OWN ABILITY TO THRIVE ON EARTH.
- ▶ 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



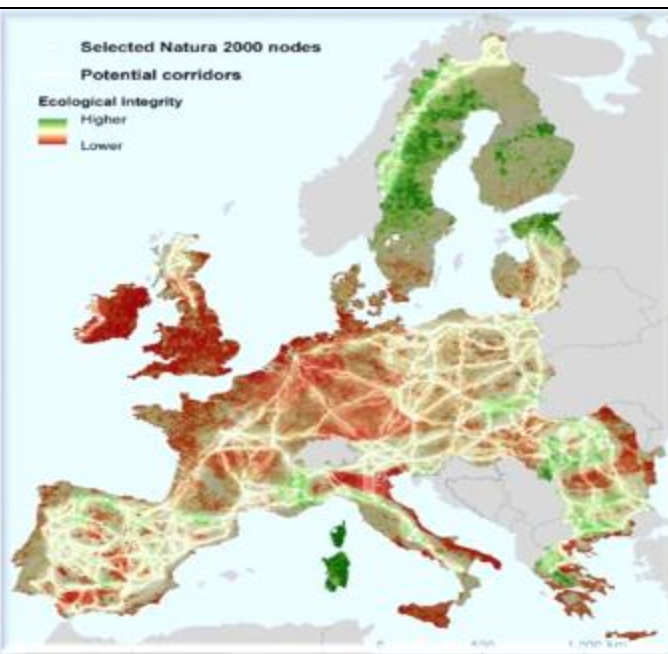
1. IF AN ECOSYSTEM DECLINES, THE ABILITY TO SURVIVE IN THE FACE OF CHANGE DECLINES IN PARALLEL.
2. ALL LIVING THINGS DEPEND ON EACH OTHER. EVERYTHING IS CONNECTED TO EVERYTHING.
3. NATURE IS A PROCESS OF CONTINUOUS ADAPTATION.
4. STRESSORS AND DRIVERS OF CHANGE

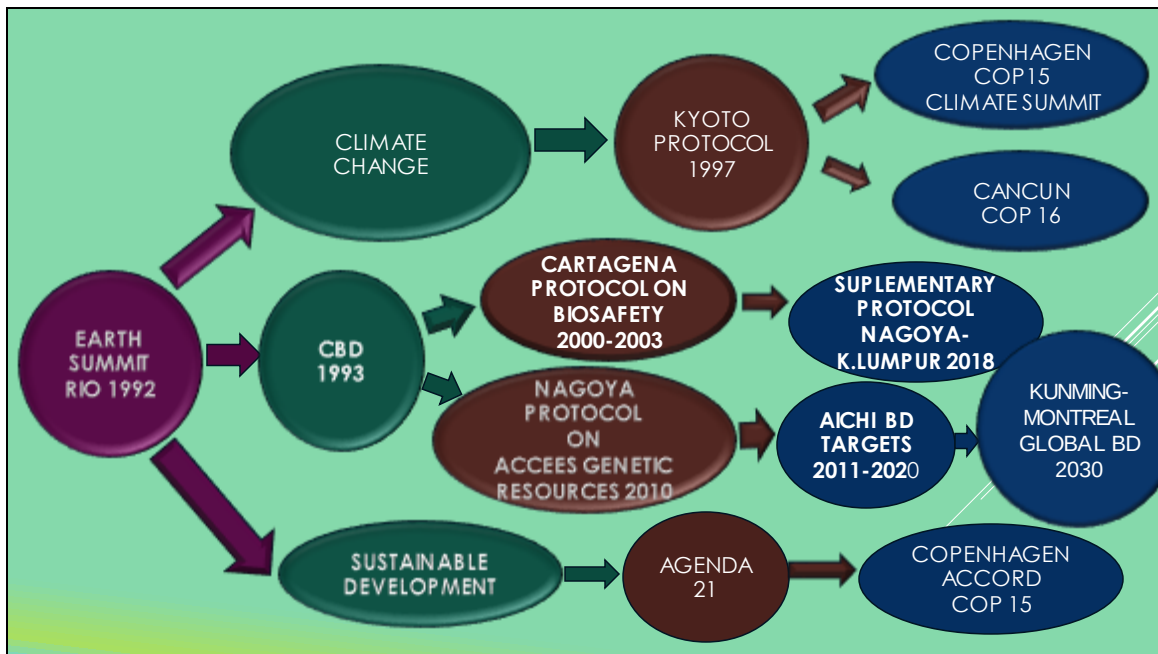


'It is not the strongest of the species that survives, not the most intelligent that survives. It is the one that is the most adaptable ..
(Charles Darwin)



THE 201 MOST (AND LEAST) BIODIVERSE COUNTRIES IN 2022



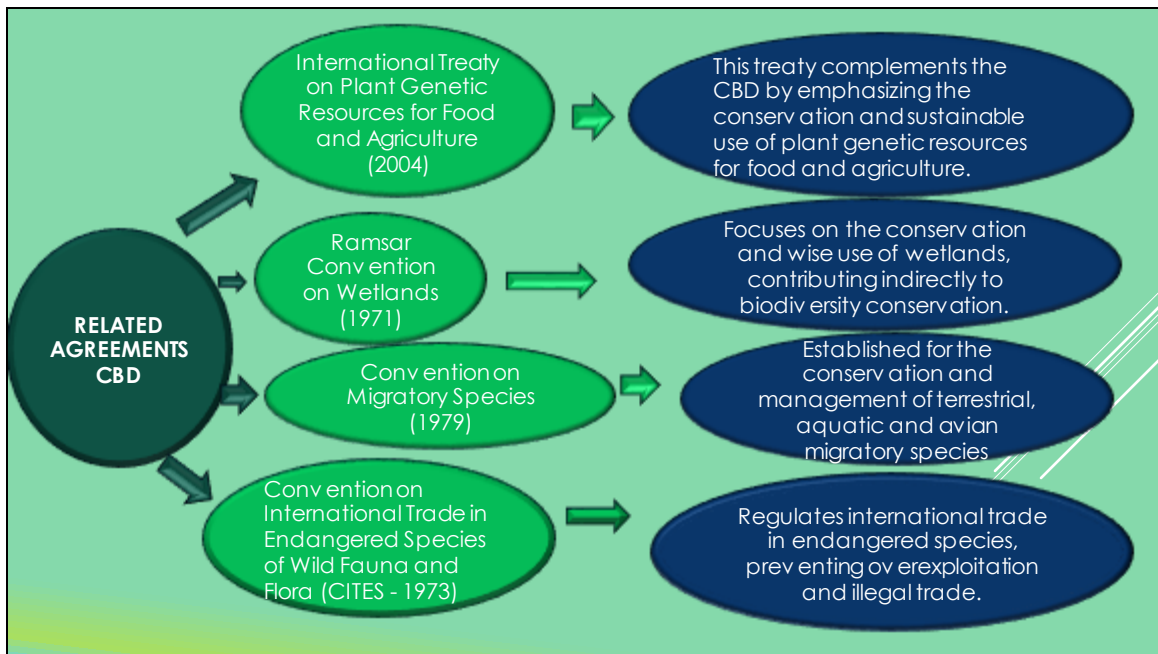


The first international treaty on environmental issues was the Declaration of the United Nations Conference on the Human Environment in 1972. However, the landmark event that significantly shaped global environmental policy was the 1992 Earth Summit in Rio de Janeiro. This summit introduced three major pillars for addressing environmental challenges: climate change, biodiversity conservation and sustainable development.

Under the climate change pillar, the Kyoto Protocol was established in 1997 to address greenhouse gas emissions. Subsequent Conferences of the Parties (COPs), such as COP16 and COP15, have continued to develop policies and agreements related to climate change mitigation and adaptation.

The Convention on Biological Diversity (CBD), established in 1993, is central to the pillar of biodiversity conservation. Within this framework, protocols such as the Cartagena Protocol on Biosafety are crucial, particularly in regulating genetically modified organisms (GMOs) and ensuring the safety of biodiversity. The Nagoya Protocol, adopted in 2010, focuses on access to genetic resources and the fair and equitable sharing of the benefits arising from their utilisation.

The sustainable development pillar, outlined in Agenda 21, emphasises the integration of economic, social and environmental goals. Various COP meetings and initiatives, including those leading up to the Montreal Protocol and the development of global goals for 2030, aim to promote sustainable development practices worldwide.



CONVENTION ON BIOLOGICAL DIVERSITY (CBD) 1992

1. BACKGROUND AND ESTABLISHMENT:

- 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.

2. 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..

3. 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.

4. 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



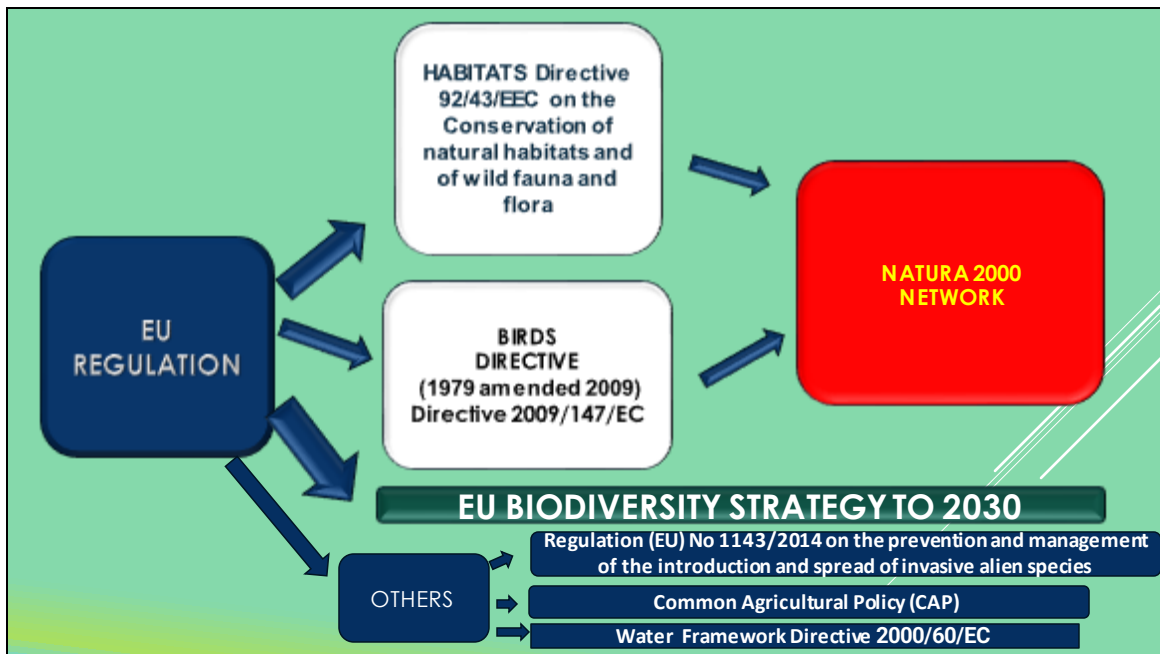
**THE CONSERVATION OF
BIOLOGICAL DIVERSITY**

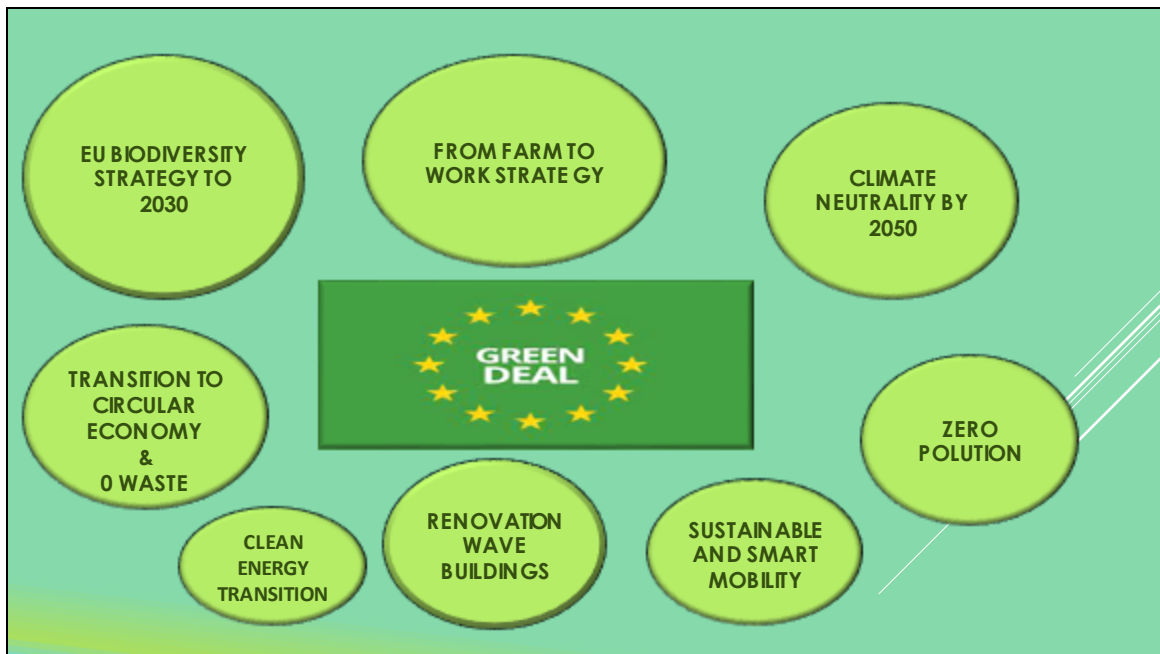


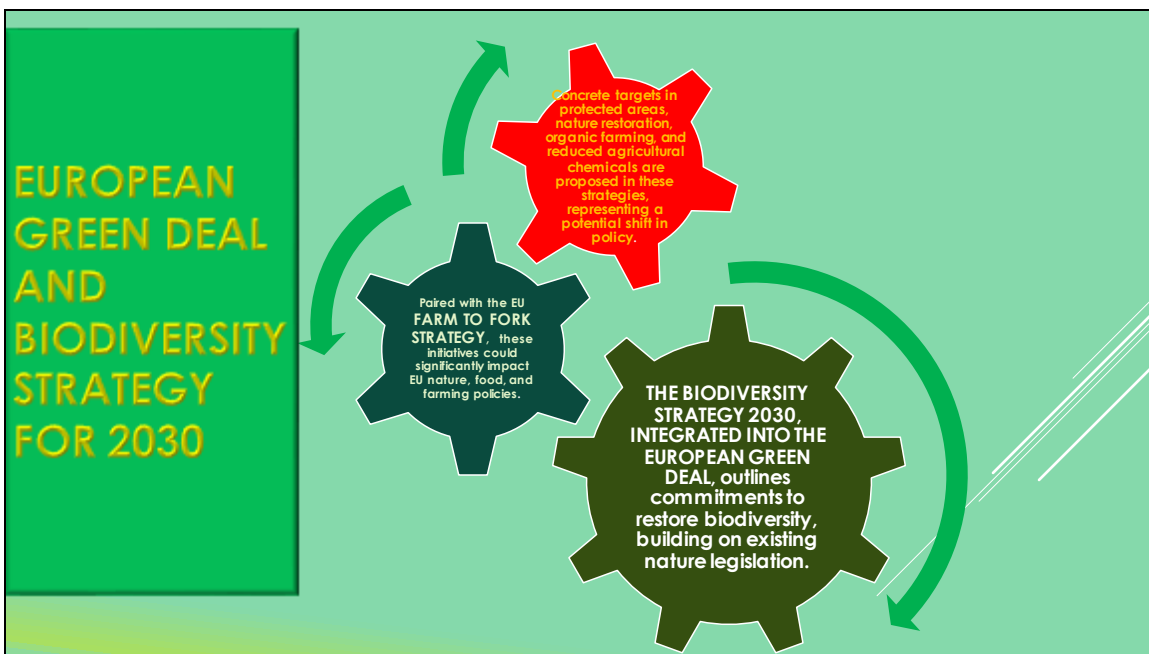
**THE SUSTAINABLE USE OF ITS
COMPONENTS**



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







EU BIODIVERSITY STRATEGY TO 2030

In May 2020, the European Commission released the EU Biodiversity Strategy to 2030.

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 FOR 2030

STRATEGY ADOPTED BY EUROPEAN COMMISSION ON 20th MAY 2020
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

**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.



EU BIODIVERSITY STRATEGY TO 2030 : CONCRETE GOALS



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



**HALTING AND
REVERSING THE
DECLINE OF
POLLINATORS.**



**RESTORING AT
LEAST 2500 KM
OF EU RIVERS TO
A FREE-FLOWING
STATE.**

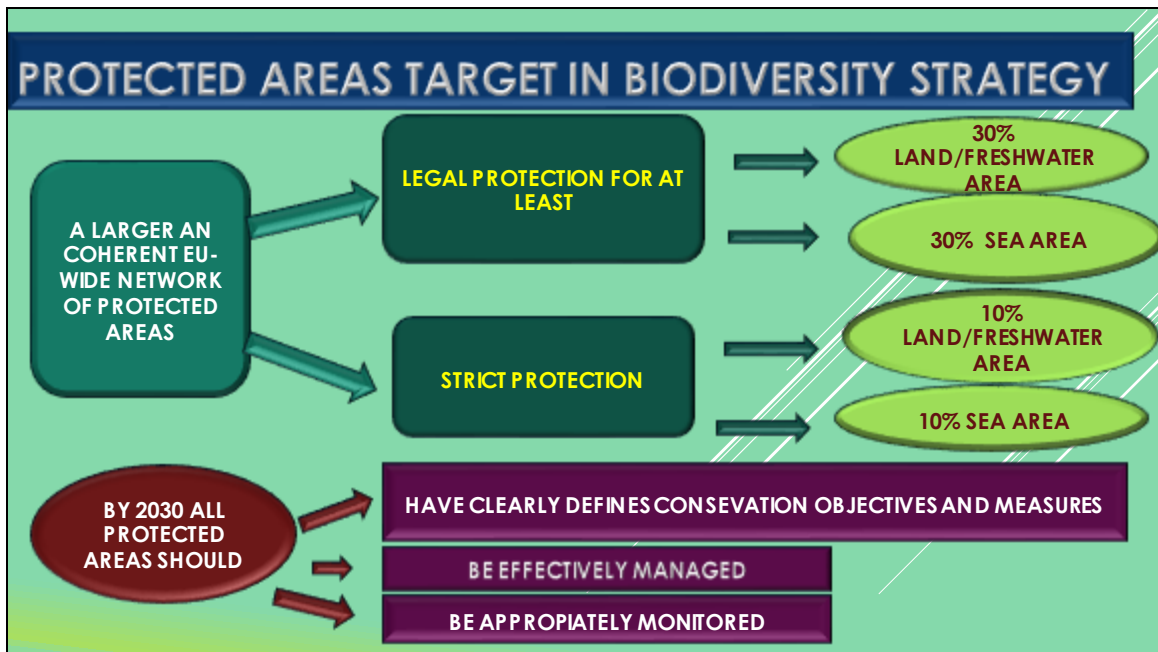


**REDUCING THE
USE AND RISK
OF PESTICIDE
BY 50% BY
2030.**

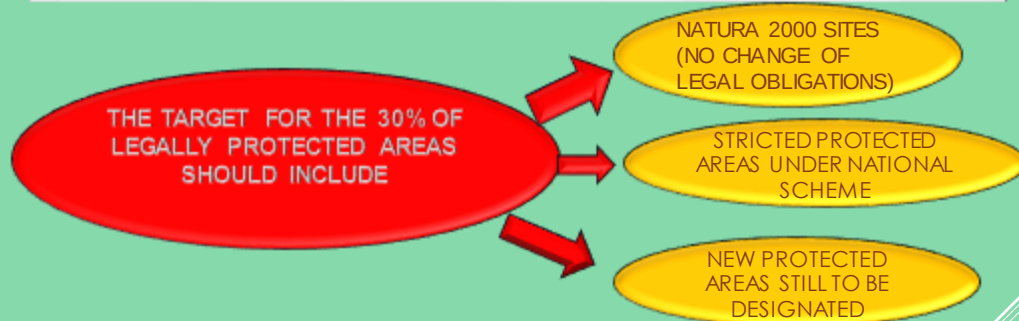


**PLANTING
3 BILLIONS
TREES BY
2030**





COMMISSION GUIDANCE NOTE (28 JANUARY 2020)



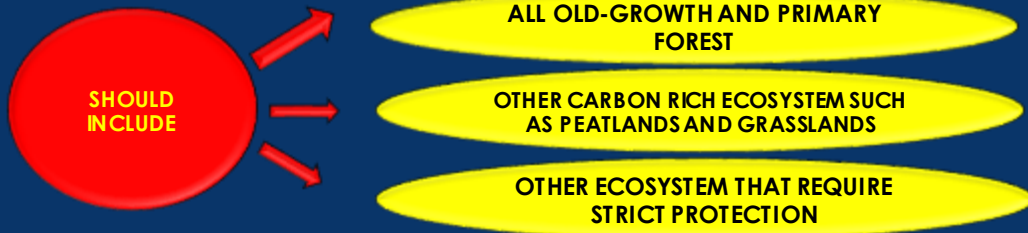
THE NETWORK SHALL ENSURE COHERENCE & INTEGRATE ECOLOGICAL CORRIDORS IN ORDER TO ENSURE CONNECTIVITY & PREVENT GENETIC ISOLATION, ALLOW SPECIES MIGRATION AND MAINTAIN HEALTHY ECOSYSTEMS.

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 MANAGEMENT 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)

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

EXTRACTIVE ACTIVITIES ONLY IF NECESSARY TO ACHIEVE THE CONSERVATION OBJECTIVES.





WHAT IS CITES?

CITES is an Multilateral Environmental Agreement that combines wildlife and trade themes with a legally binding instrument for achieving conservation and sustainable use objectives.

CITES is the Convention on International Trade in Endangered Species of Wild Fauna and Flora. It is also known as the Washington Convention, as it was concluded in Washington D.C. The convention was signed on March 3, 1973, and came into force on July 1, 1975.

The CITES Convention establishes a global network that controls international trade in endangered wild species and their products, by requiring the use of official permits for their trade to be authorized.

The aim of the Convention is to ensure that international trade in specimens of wild animals and plants is sustainable and does not threaten their survival.

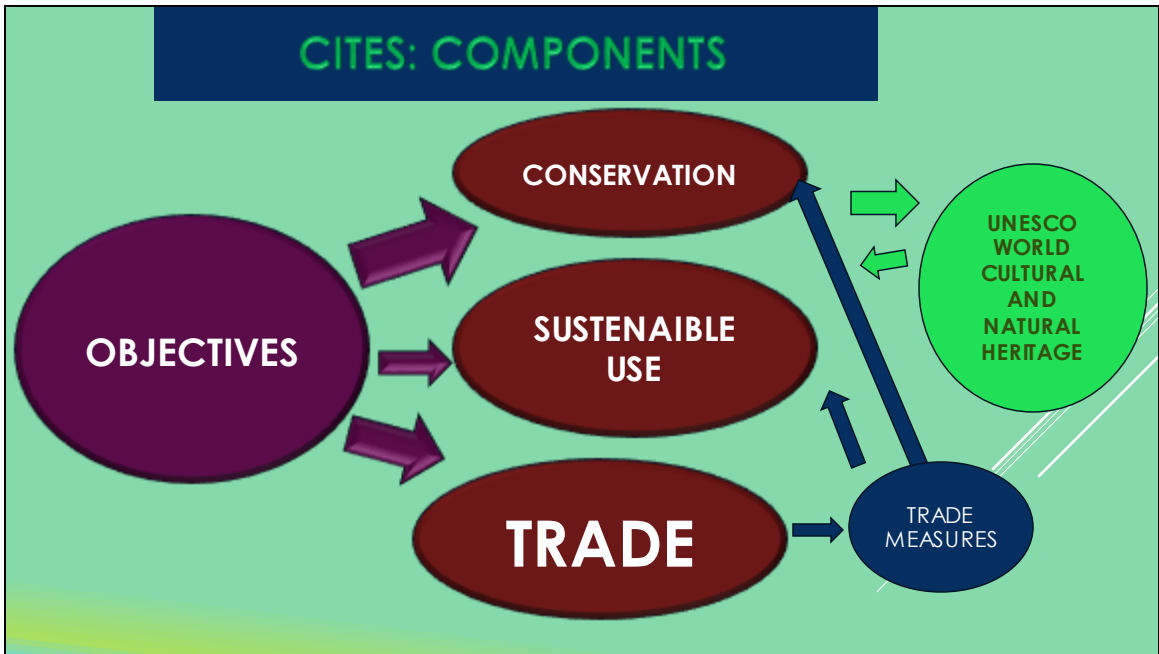
Basically, this involves prohibiting trade in species in danger of extinction, and regulating trade in species that are threatened, or at risk of becoming threatened

At present, 184 Parties have joined the Convention, which means that almost all the countries in the world are party to it.

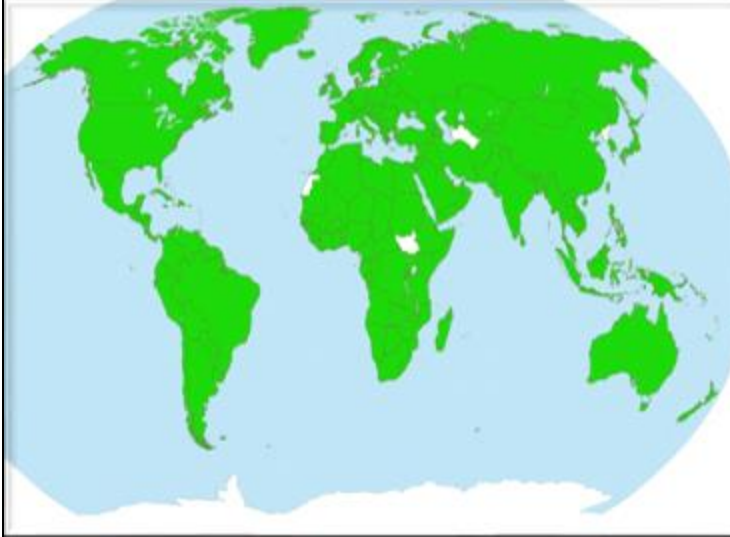


CITES PERMIT		Permit No.	
1. NAME OF THE PARTY		2. DATE OF ISSUE	
3. NAME OF THE APPLICANT		4. NAME OF THE ISSUING AUTHORITY	
5. SPECIES NAME		6. SPECIES CODE	
7. QUANTITY		8. DURATION	
9. PURPOSE		10. COMMENTS	
11. SIGNATURE		12. SEAL	

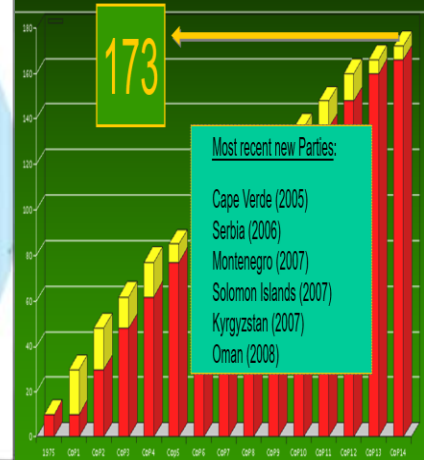




MEMBER STATES OF CITES



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



TRADE AND PROPERTY



CITES regulates commercial and non-commercial



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



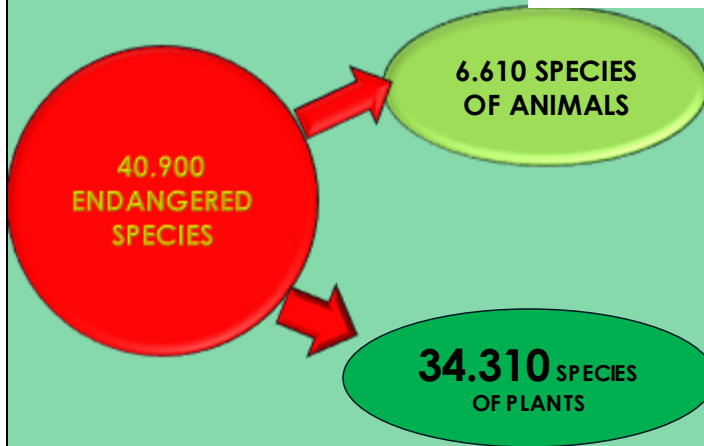
Include specimens (live/dead, parts/derivatives) of listed animal and plant species



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



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.

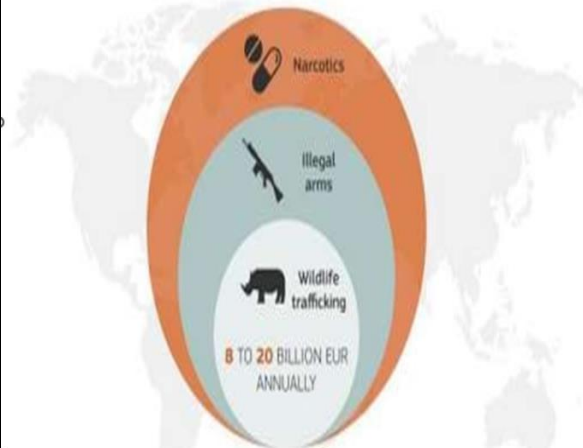


CONTRIBUTION TO CONSERVATION: Beyond preventing illegal trade, effective traceability contributes to conservation efforts by ensuring that the trade of endangered species is sustainable, supports local communities, and helps maintain biodiversity.

THE SCALE OF WILDLIFE TRAFFICKING

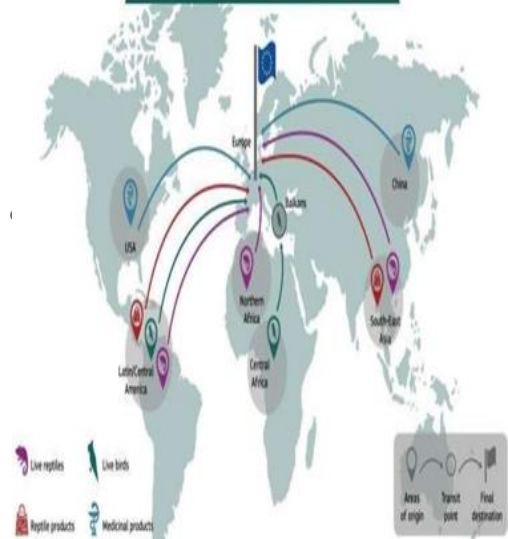
Wildlife trafficking is a serious criminal activity, and it's on the rise

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



ROUTES OF WILDLIFE TRAFFICKING

EU AS FINAL DESTINATION MARKET



INTERNATIONAL STANDARDS

United Nations Economic and Social Council Resolution 211/36:
Encourages member states to adopt measures for the prevention and combat of species trafficking.

Convention on the Conservation of Migratory Species of Wild Animals (CMS) - Bonn Convention:
Established in 1979, aims to protect migratory species and their habitats. While not a direct complement to CITES, it shares a common goal of biodiversity conservation.

United Nations Resolution A/69/L80 - Combating Illicit Trafficking in Wild Fauna and Flora
A specific resolution addressing the issue of illicit trafficking in wild fauna and flora.

UN Summit on Sustainable Development (25/09/2015) - Agenda 2030, Goal 15: Introduced during the UN Summit, the New Agenda 2030 emphasizes Goal 15, focusing on the sustainable development of life on land, including measures to combat wildlife trafficking.

DECISION (EU) 2015/451 CONCERNING THE EUROPEAN UNION'S ACCESSION TO THE CITES

1.REGULATION (EC) 338/97:

1. Establishes rules within the EU for the protection of species of wild fauna and flora by regulating trade.
2. Serves as the regulatory framework for the implementation of CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) in the EU.
3. Includes provisions for permits and certificates related to the import, export, and re-export of CITES-listed species.

2.COMMISSION REGULATION (EC) 865/2006:

1. Detailed rules for the application of REGULATION (EC) 338/97, providing specific guidelines for its implementation.

3.REGULATION [EU] 792/2012:

1. Establishes rules for the design of permits, certificates, and other documents outlined in REGULATION (EC) 338/97 and COMMISSION REGULATION (EC) 865/2006.

4.REGULATION (EU) 1587/2019:

1. Prohibits the introduction of certain species of wild fauna and flora into the European Union.

REGULATION (EC) 338/97

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:

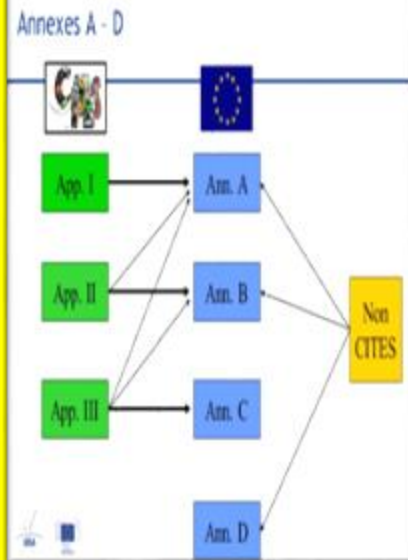
- All other CITES Appendix II species, except where EU Member States have entered a reservation
- Some CITES Appendix III species
- Some non-CITES species

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



THE NEW ECD AND BIODIVERSITY

The new Environmental Crime Directive particularly relevant on wildlife trade and crime is the inclusion of Annex C species of the EU Wildlife Trade Regulations, broadening the scope of the Directive to encompass species of high conservation value, including threatened endemic species.



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



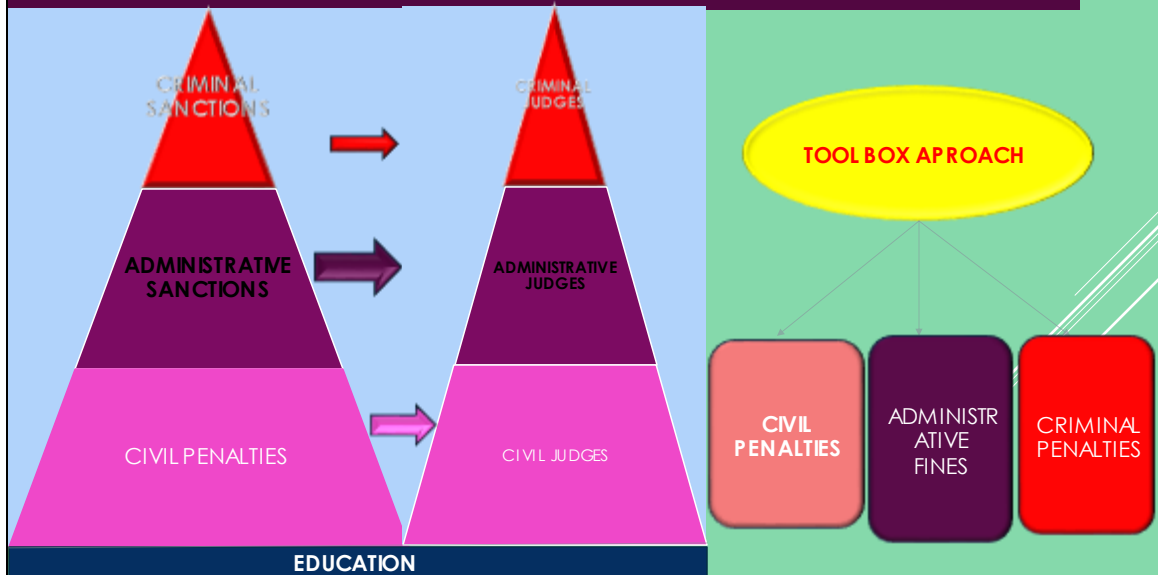
1. Holistic Legal Strategy for Biodiversity Protection: The European Union (EU) introduces a pioneering legal framework to safeguard biodiversity, integrating criminal and administrative approaches.

2. Global Landscape of Environmental Crime Challenges: Internationally, environmental crime is a high-reward, low-risk enterprise with substantial profitability. Despite its significant impact, it remains underinvestigated..

3. EU's Legal Countermeasures Against Environmental Crime: The EU addresses environmental crime through legislative measures encompassing waste management, wildlife, and biodiversity protection. An active agenda involves the refinement of existing criminal laws for robust environmental defense.

4. Integrated Enforcement Collaboration: EU member states, institutional bodies, and collaborative partner nations engage in a concerted effort through coordinated investigations, seizures, and law enforcement operations to counter environmental

LAST RESORT PRINCIPLE AND NEW ECD



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**.





D. 2008/99/CE



European Treaty Series - No. 172

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

Strasbourg, 4.XI.1998

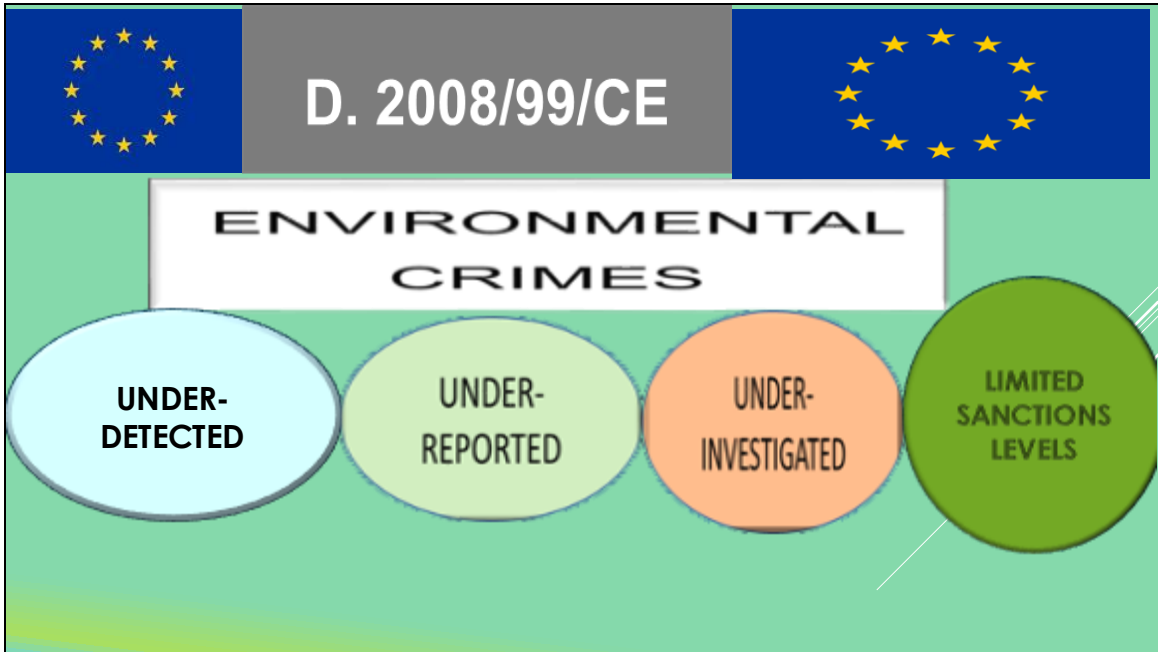
1. The Convention on the Protection of the Environment through Criminal Law, drawn up within the Council of Europe by a committee of governmental experts under the authority of the European Committee of Crime Problems (CDPC), was opened for signature on 4 November 1998.
2. After declassifying the text 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

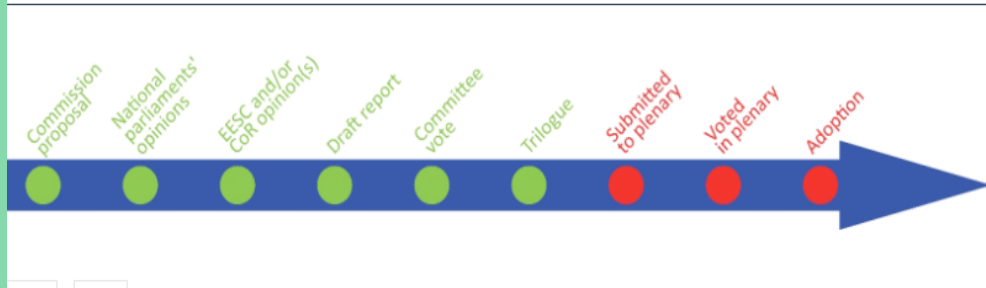
D. 2008/99/CE

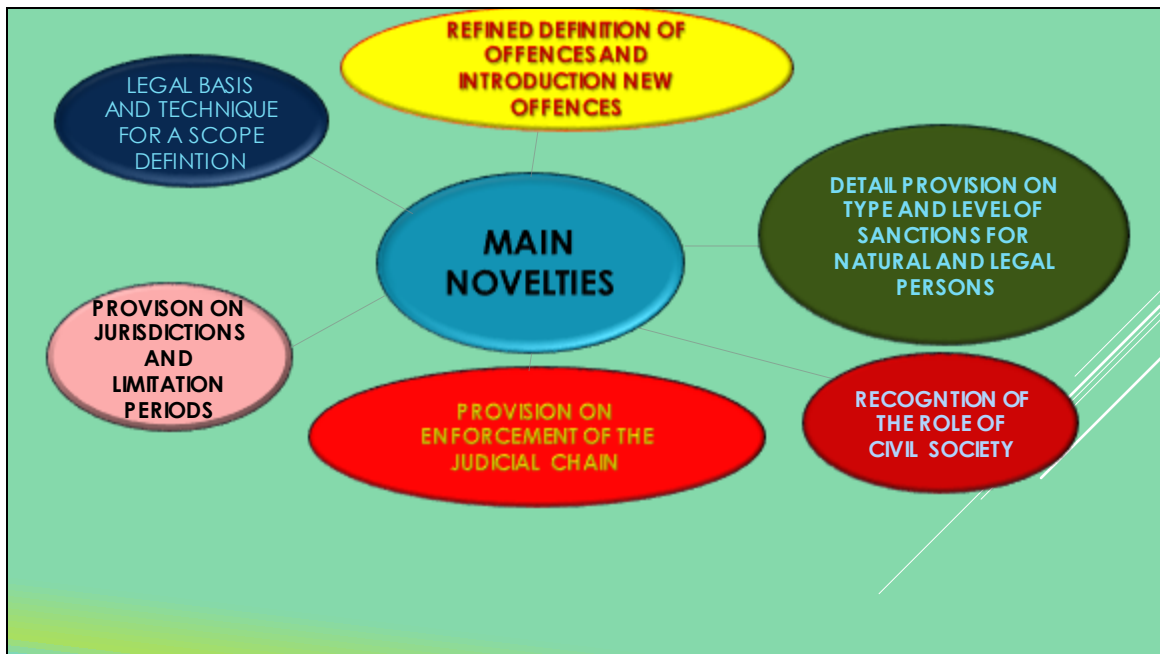
*Member States shall take the necessary measures to ensure that the offences referred to in Articles 3 and 4 are punishable by effective, proportionate and **dissuasive criminal penalties.***



CURRENT STATUS OF THE DIRECTIVE PROPOSAL: ON THE VERGE OF APPROVAL

Next steps expected: First-reading vote in plenary





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

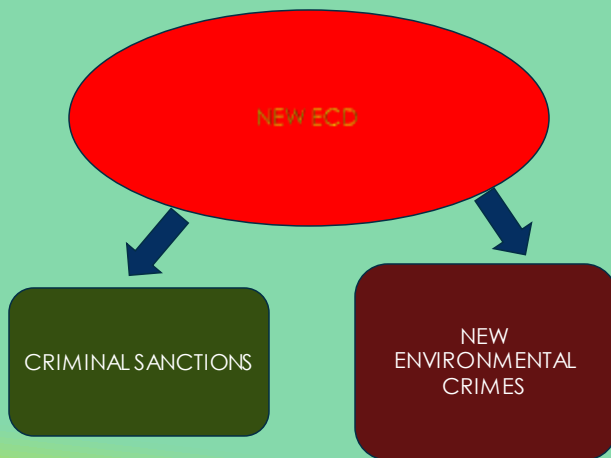
SPECIALIZATION

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 2003/104/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

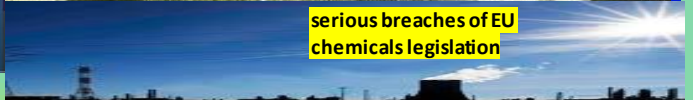
The production, importation/exportation, marketing, or use of ozone-depleting substances.



illegal timber trade



illegal ship recycling



illegal water abstraction

serious breaches of EU chemicals legislation

QUALIFIED STAFF

- ▶ Protection of persons such as whistle blowers, environmental defenders and others reporting information or providing evidence to an investigation relating to environmental criminal offences (Article 13).
- ▶ *national authorities which detect, investigate, prosecute, or adjudicate environmental offences have a sufficient number of qualified staff and sufficient financial, technical, and technological resources necessary to perform their roles effectively (Article 16).*
- ▶ Member States shall take the necessary measures to ensure that **effective investigative tools**, such as those which are used in organised crime or other serious crime cases, are also available for investigating or prosecuting environmental offences (**Article 18**).
- ▶ Member States shall ensure **coordination and cooperation at strategic and operational levels among all their competent authorities involved in the prevention of and the fight against environmental criminal offences (art.19 TCE)**



SATEC





THE NEW ECD

- ▶ In a joint Position Paper, the environmental enforcement networks **IMPEL**, **ENPE**, **EUFJE** and **EnviCrimeNet** welcomed the **proposal for a new ECD**, especially the provisions on resources, training, investigative tools and cross-border and cooperation.
- ▶ The current proposal is part of the wider package of initiatives under the **European Green Deal**. It aims at improving how the EU defines criminal offences related to pollution, waste and threatening biodiversity and other natural resources. By improving how Member States address the most serious environmental offences, the proposal will contribute to the Green Deal's overall goals of tackling the climate crisis, environmental degradation, pollution and loss of nature and will contribute to strengthening the environmental rule of law.
- ▶ The legal basis for the proposed Directive is Article 83(2) TFEU. The proposed directive **establishes minimum rules concerning the definition of criminal offences and sanctions to protect the environment more effectively** (article 1).



EU FORUM OF JUDGES FOR THE ENVIRONMENT
LE FORUM DES JUGES POUR L'ENVIRONNEMENT

STATEMENT FROM THE FOUR NETWORKS ON ENVIRONMENTAL CRIME

3rd OCTOBER 2023

The practitioners who work daily in the fight against environmental crime have, over the years, made major efforts to implement the Environmental Crime Directive in force, Directive 2008/99/EC, but there have been too many obstacles to its practical implementation which have prevented criminal environmental law from being effective. This has in turn led to the work by the EU Commission on the new Environmental Crime Directive (hereafter "ECD").

We welcome the proposal prepared by the Commission to replace the ECD and highlight the importance of the framework it brings, which will benefit the work of legislators, permit writers, inspectors, police and customs authorities, prosecutors, and judges. The cooperation and feedback between all elements of the environmental compliance chain strengthens our strategies, plans, programs, procedures, and actions. Most of all it increases the probability of successful cases in practice, in the context of environmental crime, together with administrative and civil contraventions.

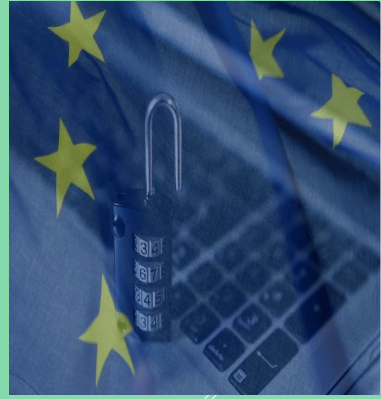
LEGAL PERSON LIABILITY AND SEIZING ASSETS

- ▶ Article 6 of the proposal contains obligations to ensure the liability of legal persons for offences where such offences have been committed for their benefit. It **also provides that Member States should make sure that legal persons can be held accountable for a lack of supervision and control** that has made possible the commission of an environmental offence for the benefit of the legal person.
- ▶ Furthermore, the **liability of the legal person** should not exclude criminal proceedings against natural persons.
- ▶ Article 10 makes sure that Member States give the opportunity to competent authorities to **freeze and confiscate the proceeds derived from offences** covered by the proposed directive



NATIONAL CRIMINAL STRATEGY

- ▶ Member States shall establish, publish and implement a ***national strategy on combating environmental criminal offences***. This national strategy shall have a minimal content e.g. the resources needed and how specialisation of enforcement officials will be supported (article 20).
- ▶ Article 21 is meant to fill that gap and the lack of control. It requires Member States to collect, publish and send **annually relevant statistical data** to the Commission, which in turn must regularly publish a report based on the data provided by the Member State



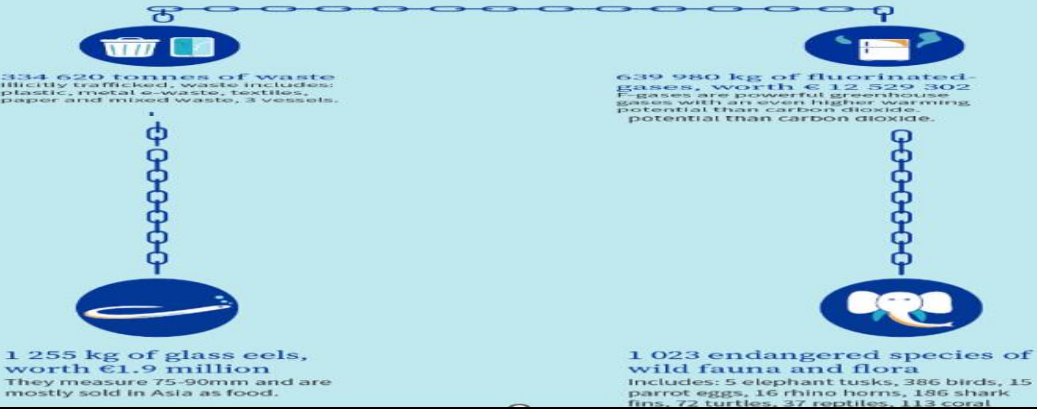
Results of EU police operations 2022



€ 15 million
total value
of seizures

401
people arrested

Seizures



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.

