

ROADMAP			
TITLE OF THE INITIATIVE	EU Action Plan against Wildlife Trafficking		
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LIKELY TYPE OF INITIATIVE	Communication		
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ADDITIONAL INFORMATION	<a href="http://ec.europa.eu/environment/cites/trafficking_en.htm">http://ec.europa.eu/environment/cites/trafficking_en.htm</a>		
<b>This indicative roadmap is provided for information purposes only and can be subject to change. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content and structure.</b>			

## A. Context, Subsidiarity Check and Objectives

Context
<ul style="list-style-type: none"> <li><i>How does this new initiative relate to past and possible future initiatives, and to other EU policies?</i></li> </ul> <p>The President of the European Commission has included the fight against cross-border crime (policy area 7 "An Area of Justice and Fundamental Rights Based on Mutual Trust") and the need to make the EU a stronger global actor (policy area 9) among his 10 political priorities.<sup>1</sup> As part of the EU Agenda for Security 2015–2020 (COM(2015) 185), the Commission stressed the need to strengthen EU policy against environmental crime. The EU pursues an ambitious policy aiming to address biodiversity loss, both domestically and at global levels<sup>2</sup>, and has also adopted comprehensive strategies against illegal trade in timber<sup>3</sup> and fisheries products<sup>4</sup>. Promoting good governance is a focus in the EU's development support policy.<sup>5</sup> The Commission Communication 'Better regulation for better results – An EU agenda'<sup>6</sup> commits the Commission to cooperate with Member States in examining the best ways to ensure compliance with EU law at national level.</p> <p>Wildlife trade is regulated at the international level through the Convention on Trade in Endangered Species (CITES) a major international agreement in force since 1975 with today 181 parties (including all EU Member States and since July 2015 the EU itself) covering 35,000 animal and plant species. To strengthen CITES' implementation and enhance enforcement in the countries affected by wildlife trafficking, other international agencies (such as Interpol, the UN Office on Drugs and Crime, the World Customs Organisation) have stepped up their engagement against wildlife trafficking. This has been done notably through the creation of the "International Consortium for Combating Wildlife Crime"<sup>7</sup>, which is supported financially by the EU and EU Member States.</p> <p>At the EU level, wildlife trade is regulated through a set of regulations, notably Council Regulation 338/97 which implements CITES provisions into EU law, as well as Commission Regulations implementing Council Regulation 338/97. The EU Nature Directives 2009/147 and 92/43 prohibit the sale and transport of a number of strictly protected wild species in the EU. In addition, the European Commission adopted in 2007 a Recommendation (2007/425/EC) for strengthening the enforcement of EU wildlife trade rules in the Member States. This Recommendation calls amongst others upon Member States to adopt national action plans for enforcement, to impose sufficiently high penalties for wildlife trade offences and to use risk and intelligence assessments to detect illegal and smuggled wildlife products. Wildlife trafficking is also included in Directive 2008/99 on the Protection of the Environment through Criminal Law which requires Member States to consider it a criminal offence but which does not establish common sanction types or levels.</p> <p>Already at the UN Conference on Sustainable Development 2012 (Rio+20), the international community recognised "the economic, social and environmental impacts of illicit trafficking in wildlife where firm and strengthened action needs to be taken on both the supply and demand sides."<sup>8</sup></p>

<sup>1</sup> [http://ec.europa.eu/priorities/docs/pg\\_en.pdf](http://ec.europa.eu/priorities/docs/pg_en.pdf)

<sup>2</sup> See in particular target 6 of the EU biodiversity strategy to 2020:

<http://ec.europa.eu/environment/nature/info/pubs/docs/brochures/2020%20Biod%20brochure%20final%20lowres.pdf>

<sup>3</sup> [http://ec.europa.eu/environment/forests/illegal\\_logging.htm](http://ec.europa.eu/environment/forests/illegal_logging.htm)

<sup>4</sup> [http://ec.europa.eu/fisheries/cfp/illegal\\_fishing/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/illegal_fishing/index_en.htm)

<sup>5</sup> See COM (2011)637, Increasing the impact of EU Development Policy: an Agenda for Change

<sup>6</sup> COM(2015) 215 final.

<sup>7</sup> <http://cites.org/eng/prog/iccwc.php>

<sup>8</sup> <http://www.uncsd2012.org/content/documents/727The%20Future%20We%20Want%2019%20June%201230pm.pdf> (para 203)

In light of the surge of wildlife trafficking (see below) observed in the last years, a number of political initiatives have been launched at the international level:

- In December 2013, France organised a high-level round table during the African Peace and Security Summit, which stressed the seriousness of wildlife trafficking and the need for additional actions;
- In February 2014, the United Kingdom held a high-level conference in London which led to the adoption of an ambitious Declaration<sup>9</sup> to which the EU signed up;
- At the first UN Environment Assembly in Nairobi in June 2014, based on a joint EU-Africa initiative, a dedicated resolution was adopted which highlights the cross-cutting nature of the problem;
- Building on previous commitments, the CITES Standing Committee adopted in July 2014 targeted recommendations towards a number of countries involved in illegal trade in ivory, rhinoceroses horns and rosewood;<sup>10</sup>
- The UN Security Council acknowledged in 2014 both with regard to the Democratic Republic of Congo and the Central African Republic the links between wildlife trafficking and the funding of militia groups and hence regional peace and stability;
- Based on an Executive Order from President Obama, the United States adopted in February 2014 a national strategy for combating wildlife trafficking;<sup>11</sup>
- In March 2015, a follow-up conference to the London event took place in Botswana where the Kasane Statement<sup>12</sup> was adopted to which the EU signed up;
- China announced in May 2015 a programme of actions on 10 points against wildlife trafficking;
- G7 leaders committed in June 2015 to combating wildlife trafficking and acknowledged the links with organised crime and the financing of insurgencies and terrorism;
- The African Union is developing a continent-wide strategy against wildlife trafficking;
- The UN General Assembly adopted the first dedicated resolution on illicit wildlife trafficking, co-sponsored by the EU's 28 Member States.

In addition, the Sustainable Development Goals for the post-2015 agenda which will be adopted in September 2015 contain a dedicated target aiming to "take urgent action to end poaching and trafficking of protected species of flora and fauna, and address both demand and supply of illegal wildlife products" (target 15.7).

The EU has provided significant financial support and development assistance to anti-wildlife trafficking efforts in developing countries. In Africa alone, the EU has committed more than EUR 500 million for biodiversity conservation over the past 30 years, with a portfolio of on-going projects worth approximately EUR 160 million. Support in this area is expected to increase significantly over the next years as part of the B4Life initiative.

The European Parliament adopted a comprehensive resolution in January 2014 calling for an EU Action Plan.<sup>13</sup> In February 2014, the Commission adopted a Communication on the EU Approach against Wildlife Trafficking (COM(2014) 347)<sup>14</sup>, which launched a broad stakeholder consultation and led to an expert conference in April 2014. Most contributions, including those received from 16 Member States, called for stepping up efforts and supported an EU Action Plan.

Other relevant policies with which coherence and consistency needs to be ensured are existing EU policies with a link to illegal trade in natural resources, such as the EU policy on Forest Law Enforcement, Governance and Trade (FLEGT) and the EU Roadmap towards eliminating illegal killing, trapping and trade of birds, or the EU policy against Illegal, Unreported and Unregulated (IUU) fishing, as well as EU initiatives against trafficking in waste, drugs, counterfeit goods, firearms or human beings.

- *Has existing policy been evaluated? Is it part of the REFIT agenda?*

The implementation of the EU Wildlife Trade Regulations is regularly monitored by the Commission, working with Member States and an internationally-recognised leading expert body in the area of wildlife trade (TRAFFIC). The implementation of the rules is assessed through meetings with Member States (10/year), which focus on the scientific, management and enforcement aspects of the legislation, as well as the 2007 Commission Recommendation. Member States report every year about trade in specimens covered by Regulation 338/97 and an analysis of these trade data is done by the World Conservation Monitoring Centre (WCMC), including possible

<sup>9</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/281289/london-wildlife-conference-declaration-140213.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/281289/london-wildlife-conference-declaration-140213.pdf)

<sup>10</sup> <http://cites.org/sites/default/files/common/com/sc/65/E-SC65-SumRec.pdf>

<sup>11</sup> <https://www.whitehouse.gov/sites/default/files/docs/nationalstrategywildlifetrafficking.pdf>

<sup>12</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/417231/kasane-statement-150325.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417231/kasane-statement-150325.pdf)

<sup>13</sup> European Parliament Resolution of 15 January 2014 (2013/2747(RSP)).

<sup>14</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52014DC0064>

trade authorised in contravention of EU law. Member States also report every two years in a comprehensive manner about the measures taken to implement their obligations under EU wildlife trade law. An analysis of these reports<sup>15</sup> is carried out every two years. The next draft analysis is expected to be produced by TRAFFIC in the autumn 2015 (on the basis of biennial reports due on 15 June 2015) and the Commission will use that information as well as other indicators to provide a specific assessment of implementation and enforcement gaps in EU Member States.

At each meeting of the EU CITES Enforcement Group, taking place twice a year, chaired by the Commission and with participants from all Member States and relevant international institutions, a presentation is made of the latest trends in illegal wildlife trade in the EU, as well as the various measures (seizures, prosecutions, sanctions, cooperation with Europol and third countries) taken by Member States to mitigate the problem. On the basis of this information and of data submitted to EU-TWIX<sup>16</sup>, the Commission publishes every year an overview of wildlife seizures done in the EU.<sup>17</sup>

In addition to this regular review of the implementation of the EU legal framework, an extensive analysis of this framework was carried out on the basis of a report published in December 2007<sup>18</sup>, which was followed by stakeholder and Member States' consultations. The conclusion of this exercise was that there was no need to revisit Council Regulation 338/97 but that some amendments should be made to Commission Regulation 865/2006. This was done through Commission Regulation 791/2012. In addition, based on an agreement with Member States, guidance documents on the interpretation of some specific provisions of the EU wildlife trade legal framework have been developed. Further changes to Commission Regulation 865/2006 were introduced through Commission Regulation 2015/56 in January 2015 on specific items (creation of musical instrument certificates; change in the import rules of hunting trophies from some species; and clarification of legal basis for refusing the import of animals or plants when the legality of their acquisition is not sufficiently ascertained).

There has also been considerable work done to assess the transposition of the EU Environmental Crime Directive (2008/99) into national law, notably through a study which established that the Directive was implemented in an uneven manner, including in relation to illegal wildlife trade. Follow up with Member States concerning problems with the legislative transposition is ongoing, however the study demonstrated also problems in implementation that go beyond the legislative level and relate to the low priority of environmental crime in national enforcement systems.

As part of the EFFACE research project (EU Action to Fight Environmental Crime, [www.efface.eu](http://www.efface.eu)) funded under the 7<sup>th</sup> Framework Programme, the implementation of the EU wildlife trade regulatory framework is being assessed thoroughly with the assistance of a large number of stakeholders directly involved in its implementation. While the project is still ongoing, the contributions sent by the contributors to this project as part of the consultation launched in February 2014 already provides useful insights on the adequacy of the current EU wildlife trade regulatory framework.<sup>19</sup>

The EU policy on wildlife trade largely reflects the EU international obligations stemming from the CITES Convention, the Convention on Biological Diversity (CBD) and the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention).

The need for a strong EU policy and legal framework has not been put into question by the various evaluation exercises carried out in the last years. Rather, the information gathered as part of these reports show that the main shortcomings linked to the current EU regulatory framework relate to the uneven and incomplete implementation and enforcement of the legislative framework in the Member States. For more details of the findings see below, description of the Issue.

The EU wildlife trade legislation is not part of the REFIT agenda.

- *Consider recently adopted initiatives whose effects will only materialise after their implementation and other initiatives under preparation (also of other policy fields) touching upon the same problem. Describe how policy coherence is ensured.*

A review of the FLEGT Action Plan is forthcoming. At this point, while the evaluation of the implementation of the current FLEGT Action Plan is ongoing, it is expected that the review will focus on the improvement of the effectiveness and efficiency of existing instruments used against the import of illegally harvested timber into the EU. The EU Action Plan against wildlife trafficking is not intended to contain specific measures against illegal timber trade. Rather, it would aim at ensuring that measures taken to strengthen enforcement against wildlife

<sup>15</sup> [http://ec.europa.eu/environment/cites/pdf/analysis\\_2011-2012.pdf](http://ec.europa.eu/environment/cites/pdf/analysis_2011-2012.pdf)

<sup>16</sup> See <http://www.eutwix.org/>

<sup>17</sup> <http://ec.europa.eu/environment/cites/pdf/Overview%20significant%20seizures%202013.pdf>

<sup>18</sup> [http://ec.europa.eu/environment/cites/pdf/studies/effectiveness\\_study.pdf](http://ec.europa.eu/environment/cites/pdf/studies/effectiveness_study.pdf)

<sup>19</sup> [http://efface.eu/sites/default/files/publications/EFFACE\\_contribution\\_WLT\\_consultation\\_April2014.pdf](http://efface.eu/sites/default/files/publications/EFFACE_contribution_WLT_consultation_April2014.pdf)

trafficking also benefit enforcement in the context of timber trafficking which is a wildlife product, e.g. if this concerns awareness-raising amongst authorities. Similarly, it would envisage that EU diplomatic and trade initiatives address, where appropriate and useful, illegal timber trade and illegal trade in other wildlife and wildlife products together. Potentially necessary additional specific measures against timber trafficking (only) would be covered under the FLEGT action plan review, and policy coherence with the Wildlife Trafficking Action Plan would be ensured in the design of such measures.

Criminal law aspects would not be tackled directly in the EU Action Plan against wildlife trafficking in view of the fact that the EU Agenda for Security 2015 – 2020 (COM (2015) 185) includes already a commitment to review the policy and legislative framework for environmental crime. This would be referred to in the Action Plan on wildlife trafficking.

## Issue

- Describe the reasons behind the initiative. What is the issue/problem(s) it is expected to tackle?
- Describe the size of the problem and its main drivers

Wildlife trafficking (defined as international and non-international illegal trade in wild animals and plants and derived products, and closely interlinked offences such as poaching) is not a new phenomenon, but its scale, nature and impacts have changed considerably in recent years.<sup>20</sup> Poaching has reached unprecedented levels for some species, and the world is currently facing a dramatic surge in wildlife trafficking. More than 20,000 elephants and 1,200 rhinoceroses were killed in 2014 and, after years of recovery, their populations are once more in decline. Many more plant and animal species are also affected by wildlife trafficking. Examples include sharks, tigers, great apes, turtles, pangolins, corals, animals used for bushmeat, tropical timber or wood used for charcoal. The illegal trade in fauna and flora has been estimated by different sources to be worth 7–23 billion dollars annually.<sup>21</sup> The considerable profits generated together with a low risk of detection and low sanction levels, explain why wildlife trafficking has become one of the most profitable transnational criminal activities globally.<sup>22</sup>

The impacts of wildlife trafficking globally are not limited to biodiversity. It also affects economic development (especially in countries where wildlife tourism represents an important share of the GDP and more broadly because no customs duties are paid to the budget of the exporting countries) and the rule of law (as wildlife trafficking and corruption are in many developing countries intrinsically linked). In some regions, like Central Africa, it also impacts political stability as it is used as a source of financing for militia groups.

The increase in wildlife trafficking is mainly driven by a high and growing demand for wildlife products, notably in parts of Asia, by poverty, weak governance, instability and crisis situations in key source regions, and facilitated by lack of awareness and capacity, gaps and low prioritisation in enforcement and insufficiently deterrent sanctions.

Based on reports on the dimension of wildlife trafficking, its impacts and on implementation of the EU wildlife trade regulations, other analyses and the contributions to the stakeholder consultation launched in February 2014, the following problems need to be addressed by the EU:

- The current approach is too fragmented to address the multifaceted dimension of wildlife trafficking, both within the EU and at global level. This is notably due to a lack of awareness about the seriousness of the issue, especially outside the environmental community. Support for conservation or enforcement efforts in partner countries and the use of diplomatic tools for raising political awareness are often insufficiently coordinated.
- In particular, the impacts of the problem beyond biodiversity (development, security, rule of law) and the need to address the demand for illegal wildlife products are insufficiently taken into consideration at the political and

<sup>20</sup> See in particular:

- *The Environmental Crime Crisis – Threats to Sustainable Development from Illegal Exploitation and Trade in Wildlife and Forest Resources*. A UNEP Rapid Response Assessment. United Nations Environment Programme and GRID – 2014, <http://www.unep.org/unea/docs/RRACrimecrisis.pdf>
- UNEP, CITES, IUCN, TRAFFIC (2013). *Elephants in the Dust – The African Elephant Crisis*. A Rapid Response Assessment. United Nations Environment Programme: [http://www.unep.org/pdf/RRAIvory\\_draft7.pdf](http://www.unep.org/pdf/RRAIvory_draft7.pdf)
- Document on enforcement matters tabled by the CITES Secretariat at the 65<sup>th</sup> CITES Standing Committee meeting in July 2014: <http://cites.org/sites/default/files/eng/com/sc/65/E-SC65-27-01.pdf>
- The EnviCrimeNet Intelligence Project on Environmental Crime: <http://www.statewatch.org/news/2014/dec/eu-council-envi-crime-net-16438-14.pdf>
- EUROJUST Strategic Project on Environmental Crime Report – 2014: [http://www.eurojust.europa.eu/doclibrary/eurojust-framework/casework/strategic%20project%20on%20environmental%20crime%20\(october%202014\)/environmental-crime-report\\_2014-11-21-en.pdf](http://www.eurojust.europa.eu/doclibrary/eurojust-framework/casework/strategic%20project%20on%20environmental%20crime%20(october%202014)/environmental-crime-report_2014-11-21-en.pdf)

<sup>21</sup> *The Environmental Crime Crisis – Threats to Sustainable Development from Illegal Exploitation and Trade in Wildlife and Forest Resources*. A UNEP Rapid Response Assessment. United Nations Environment Programme and GRID – 2014, <http://www.unep.org/unea/docs/RRACrimecrisis.pdf>

<sup>22</sup> See overview of UNODC global programme for combating wildlife and forest crime <https://www.unodc.org/unodc/en/wildlife-and-forest-crime/overview.html>

operational levels. Long term measures to address also the root causes and enablers of poaching (poverty, corruption, participation of local populations to poaching activities, lack of alternative livelihoods) are often lacking.

- While EU and global rules on wildlife trade are generally considered as adequate, they are not properly implemented and enforced. In many source and market countries, capacities are insufficient at all levels of the enforcement chain. Within the EU, implementation and enforcement of the rules on wildlife trade are uneven. Systems for compliance monitoring are often ineffective, due to the low priority given to the issue in many Member States, lack of technical expertise and insufficient knowledge about the organised crime implications,. Lack of effective cooperation and coordination between inspection and other enforcement authorities, such as police, customs and prosecutors is an additional difficulty, both within the EU and in third countries. As a result, rates of detection of wildlife crime are low and sanctions imposed not deterrent.

- *Describe who is affected and how (stakeholder mapping)*

Operators trading wildlife products in the EU (e.g. importers, exporters, breeders, pet industry, luxury industry using reptile skins or caviar, timber industry, auction houses, antique shops, hunters, zoos) face unfair competition. They and those business sectors facilitating unwillingly illegal trade in wildlife (e.g. transport companies, online platforms, courier companies) also very often see the reputation of their economic sector tarnished by the behaviours of illegal operators. They would be affected by the EU initiative against wildlife trafficking.

The Action Plan will also bring in all relevant actors in the EU, i.e. Commission, the High Representative, Member States, Eurojust, Europol, environment and development NGOs, private sector. Proposed actions are likely to be directed to authorities in the EU Member States (environment, interior, justice, customs, development, foreign affairs).

- *Explain why this is a problem at EU level and describe how it is likely to develop in the future in case no policy action is taken.*

As noted amongst others by Europol, the EU plays an important role as a destination market, transit hub and partially also as a supply region of illegal wildlife products.<sup>23</sup> Examples include illegal import into the EU of live birds or reptiles, transit of ivory from Africa to Asia through EU airports or illegal export of glass eels from Europe to Asia. Organised criminal groups are active in this area within the EU.

At the same time, wildlife trafficking weakens the EU efforts at EU and global level to halt biodiversity loss, support the economic development of fragile countries, tackle corruption and transnational organised crime, as well as promote regional stability.

If no policy action is taken, the EU would remain in a situation where its role as an important market, transit and exporting region for illegal wildlife trade remains insufficiently addressed. The EU would not work to a solution to the main causes at the roots of the current problem in the EU (low priority at political level, lack of awareness of the dimension of the problem outside the wildlife trade experts community, uneven implementation and enforcement in the Member States; insufficient EU strategic approach on wildlife trafficking priorities; insufficient consideration of the organised crime nature of the problem).

At the global level, the EU would not dedicate sufficient resources and political attention on an issue which affects many of the core principles of its external policy (sustainable development, rule of law, biodiversity, peace and security) and at a time where the international community is stepping up its approach in that field. A status quo would lead to a further depletion of biodiversity with the risk that some species become extinct. The EU would not tackle directly the fact that organised crime and militia groups operate in wildlife trafficking in fragile countries and destroy the natural capital on which a number of developing countries rely for their economic development. Also, if only a voluntary approach without high level political endorsement is taken, it would be unlikely to overcome the current fragmented approach followed by Member States in the way they enforce the EU wildlife trade legal framework.

## **Subsidiarity check**

- *Indicate the legal basis giving the EU the right to act*
- *If your policy field falls under the exclusive competence of the EU, use the standard formulation: "The initiative falls under the exclusive competence of the EU according to Article xx of the Treaty on the Functioning of the European Union (TFEU). Therefore, the subsidiarity principle does not apply".*
- *Necessity check & Added-value test*

The Action Plan touches upon several areas of Union policy (notably on environment, Article 192 TFEU, trade Article 206 TFEU, customs, Article 28 TFEU, development, Article 208 TFEU, and the fight against crime, Article 67(3) TFEU). Common rules have been adopted to regulate trade in wildlife within and with the EU (see in

<sup>23</sup> <https://www.europol.europa.eu/content/threat-assessment-2013-environmental-crime-eu>

particular Council Regulation 338/97), and their uneven implementation and enforcement weakens their regulatory force and creates loopholes that allow for exploitation by criminal activities. This problem cannot be sufficiently addressed by strengthened action only in individual Member States. The impact of diplomatic action and development support by the EU and its Member States will be significantly strengthened through the promotion of a more a more strategic and better coordinated approach.

### Main policy objectives

- *What is the initiative aiming at? What should be achieved?*
- *What is the link to the problem (coherent intervention logic)?*
- *Beware of too specific objectives which could pre-empt a 'preferred' option*

The initiative aims at increasing the effectiveness of the EU policy and actions against wildlife trafficking, in order to considerably reduce wildlife trafficking levels globally and in the EU.

It aims at addressing some of the issues of the current EU approach as identified in the stakeholder consultation and relevant expert reports (see above, Issues). In that respect, the initiative aims at raising awareness among the EU and Member States so that wildlife trafficking is considered as a priority by policy-makers in all relevant areas. This should be done through the establishment of a framework and strategic guidance for a range of actions which need to be developed at EU and MS level to address the key challenges identified above. It aims at ensuring political commitment at high level from the Member States and better consistency between existing policies and actions by bringing together the main players from different areas affected by this multi-dimensional problem (environment, development, external action, customs, home affairs, justice, trade).

## B. Option Mapping

- *What are the various ways to achieve the policy objectives? What legislative and non-legislative instruments could be considered? Always consider 'no EU action resp. no change in EU action' (baseline).*
- *Who would be targeted by the different policy options? Could there be exemptions for micro-enterprises or lighter regimes for SMEs?*
- *Explain how the options compare to the baseline in terms of effectiveness and efficiency.*

The options available for the EU future Action Plan against wildlife trafficking, are the following:

### Option 1

Under that option, the Action Plan would focus on strengthening enforcement of wildlife trade rules at EU and global levels, as the most urgent answer to the current wildlife trafficking surge. This could mainly be done through a revision of the 2007 Commission Recommendation (2007/425/EC) for strengthening the enforcement of EU wildlife trade rules in the Member States.

Within the EU, this approach would as a priority address major enforcement/implementation gaps which undermine the effectiveness of Regulation 338/97 and are not sufficiently taken into account in the Recommendation. In that regard, the revision should consist in the addition of measures targeting in particular the organised crime dimension of wildlife trafficking in the EU and set up a monitoring mechanism to check how the set of actions contained in the Recommendation are being implemented by Member States.

At the international level, the revision would introduce recommendations designed to improve the contribution by the EU and Member States to better international cooperation on enforcement and the reinforcement of capacity-building in that regard with third countries.

### Option 2

Under that option, the Action Plan would consist in a Communication from the Commission to the Council and the European Parliament without new legislative proposals.

It would cover the multifaceted dimension of wildlife trafficking at the EU and international levels. In that regard, unlike option 1, it would not be limited to its enforcement dimension but also contain a set of actions seeking to address the root causes of the problem and prevent its continuation.

By presenting it in the form of Communication addressed to Council and Parliament, the objective would be to gain endorsement of the Action Plan by the Council to ensure high-level political commitment from Member States' governments in the fight against wildlife trafficking, recognizing the multi-dimensionality of the problem.

The Action Plan, based on key recommendations from the stakeholder consultation (see SWD 2014/347) and in

its structure following the model of the existing Action Plans against human trafficking and trafficking in firearms could be based on three priorities:

(1) preventing wildlife trafficking, for example through actions to reduce the demand for illegal wildlife products, through support for wildlife management and anti-poaching activities, by raising awareness and encourage sustainable sourcing of wildlife products by engaging with relevant business sectors, i.e. those importing wildlife products, facilitating trade in wildlife products (i.e. airlines, courier companies, Internet platforms) or indirectly contributing to wildlife trafficking (i.e. extractive industries), and by increasing EU efforts to tackle corruption associated to wildlife trafficking;

(2) strengthening enforcement and fighting organised wildlife crime more effectively, for example through actions to improve international cooperation on enforcement against wildlife trafficking, set up EU strategic enforcement priorities against wildlife trafficking, raise awareness and support training throughout the entire enforcement chain and the judiciary, with a particular focus on organised crime and ensure full implementation and enforcement of related existing EU legislation, such as the EU Birds and Habitats Directives; the need for approximating sanction levels for wildlife trafficking would be assessed.

(3) building a global partnership against wildlife trafficking, for example through actions to (i) strengthen and coordinate better action against wildlife trafficking with relevant source, transit and market countries via more strategic use of diplomatic tools and via the inclusion of ambitious commitments in trade agreements and reinforce the monitoring and implementation of relevant provisions under existing FTAs, (ii) increase EU development support against wildlife trafficking and better coordinate with other donors, (iii) strengthen cooperation against wildlife trafficking with relevant regional organisations and (iii) integrate the security dimension of wildlife trafficking into EU Delegations country assessments/country reports

The Action Plan would provide for timelines, benchmarks and monitoring by the Commission.

### **Option 3**

Under that option, the Action Plan would consist as in Option 2 in a Communication from the Commission to the Council and the European Parliament and of new legislative proposals.

Just as option 2, the Communication would contain a comprehensive answer to wildlife trafficking (both the enforcement and the prevention of the problem) at EU and international levels.

In addition to the Communication, it would include legislative proposals amending the current EU legislation to ensure a more level playing field across EU Member States concerning sanctions for wildlife trafficking and to qualify wildlife trafficking involving organised criminal groups as a serious crime, punishable with a maximum sanction of at least four years' imprisonment.

The approach in **option 1** could lead to improvement of the efficiency of the enforcement chain against wildlife trafficking, but would only bring a partial response to the problem.

In the absence of political endorsement by Member States, this approach will be insufficient to ensure that they consider wildlife trafficking as a priority. Its implementation would largely depend on their voluntary efforts. This is unlikely to overcome the current fragmented approach followed by Member States in the way they enforce the EU wildlife trade legal framework. As far as the EU external policy is concerned, this option is also unlikely to generate sufficient political support to increase the EU bilateral, regional and multilateral engagement against wildlife trafficking. In addition, this option would only address one aspect of the wildlife trafficking problem (enforcement of the rules), without addressing all the factors which are driving wildlife trafficking (the rising demand for wildlife products in market countries, as well as poverty and weak governance in source countries).

The approach under **option 2** would raise the political profile of the fight against wildlife trafficking and allow for existing policies and resources to be used in a more strategic and targeted manner, without the need for significant additional financial resources. It would allow the development of a consistent approach across all relevant policies and with all actors and stakeholders concerned to address the cross-cutting nature of the problem. The monitoring against timelines would ensure that Member States can be held to their commitments and that problems in the implementation can be identified.

This option is the most likely to make a real difference to how the EU and Member States currently approach wildlife trafficking, as it would increase the profile of the crime area at political level, ensure engagement of all relevant services and set clear benchmarks to assess progress made.

The costs of this option would be limited as it does not imply the creation of new obligations and it would build upon existing tools, which would be used more strategically. While for some Member States where enforcement is currently weak, a reinforcement of their engagement on this issue could have cost implications, this could be mitigated if this is done through a better organisation of their internal structures and through redefinition of priorities for action.

For business operators legally trading wildlife products, a decrease in illegal trade in wildlife products would help restoring a level playing field through the elimination of competitors which do not abide by the rules and compete

under unfair terms with them. This would also assist in improving the reputation of a sector (legal wildlife trade) which is more and more in the public opinion equated to wildlife trafficking.

Outside the EU, this option would also reinforce the EU development policy related to natural resources management in countries which depend for a part of their income on the wildlife sector. This should contribute to reducing the currently very high levels of wildlife trafficking which are severely hampering their economic development.

**Option 3** would represent a comprehensive response the various problems caused by wildlife trafficking in the EU and beyond. The need for legislative proposals however requires thorough consideration, notably in view of the proportionality principle, to assess if an EU initiative is the best avenue to address the shortcomings identified in relation to sanction levels in Member States. This assessment is a pre-requisite for the tabling of new legislative proposals and waiting for its conclusion would considerably delay the adoption of an Action Plan which is urgent in view of the continuous poaching crisis that requires within a shorter time frame a strong signal from the EU for enhanced action. It would also be preferable not to present a legislative proposal on wildlife trafficking alone but to include this in a broader review of the legislation on environmental crime, as there are e.g. other areas of environmental crime where widely diverging sanction levels exist and where organised criminal groups are active in the EU (see Europol Threat Assessment) so that an assessment of the entire area together will yield better results for good policy making). Therefore, it is preferable to include in Option 2 a reference to the new EU Agenda for Security, which recognises the need to assess if and how the EU policy and legislation against environmental crime should be strengthened and foresees a review for 2016.

#### Proportionality check

- *Even when the EU has exclusive competence or the subsidiarity test is positive, any EU action must be proportionate i.e. not go beyond what is necessary to solve the problem. Describe and substantiate the proportionality of the foreseen EU action.*

An EU Action Plan against wildlife trafficking would be needed to ensure a level playing field between EU Member States and to minimise the risk of safe havens (see above). It would essentially lead to a better use of existing tools and policies and strengthen synergies between them, so that wildlife trafficking can be better addressed all across the EU and globally. It would require neither the creation of new obligations or instruments in the Member States, nor the imposition of new burden to economic operators.

### C. Data collection and Better Regulation instruments

#### Data collection

- *What information and data are required? How and when will they be gathered?*
- *How far can available data be used (e.g.: available evaluations, impact assessment analysis or studies)?*

The elements under consideration for enhanced EU action against wildlife trafficking take up the main outcome of the stakeholder consultation and the expert conference in 2014 as well as the broad range of data available about the scale of illegal trade both within the EU and globally (see documents mentioned in part A of this Roadmap).

In addition, a study has been launched to assess models for engagement with the business sector. This study includes consultation of representatives from relevant business sectors. The study will be completed by November 2015 with an interim report available in September 2015.

Under a service contract, TRAFFIC will be gathering additional data on sanction levels for organised wildlife crime in the EU, and on gaps in the implementation of the 2007 enforcement recommendation. The results will become available in autumn 2015 and will be fully taken into consideration in the development of the action plan.

#### Consultation approach

- *Describe the key elements of the proposed consultation strategy. Which stakeholders and information gaps will be targeted (consistency with "who is affected" - part A) and over which time frame?*
- *A standard sentence 'The launch of stakeholder consultations related to this initiative will be announced in the consultation planning that can be found at [http://ec.europa.eu/yourvoice/consultations/docs/planned-consultations\\_en.pdf](http://ec.europa.eu/yourvoice/consultations/docs/planned-consultations_en.pdf). If the consultation has already been launched or is already closed a link to the relevant website should be included.*



Stakeholders were consulted on the EU approach against wildlife trafficking in 2014 through an online public consultation (COM (2014) 64) and SWD (2014) 347). The Commission also organised a two-day expert conference with participants from almost all Member States, important third countries, key international organisations and many NGOs on 10 and 11 April 2014. Comprehensive discussions with experts on priority needs for wildlife conservation in Africa took place in April 2015. The ongoing study on business engagement (see above) includes consultations with representatives from relevant business sectors. Another smaller expert meeting is planned in the autumn 2015 to discuss in detail envisaged elements of an EU Action Plan, notably to receive views on these elements from practitioners working in enforcement against wildlife trafficking. Existing fora such as the Green Diplomacy Network will be used to discuss envisaged action through diplomatic tools.

**Will an Implementation plan be established?**

Yes  No

No legislative proposals included in the Action Plan.

**Will an impact assessment be carried out for this initiative and/or possible follow-up initiatives?**

- *IAs are required for all initiatives likely to have significant economic, environmental and/or social impact.*
- *If you plan an IA, please use the template 'Inception Impact Assessment' instead of this roadmap template.*
- *If no impact assessment is foreseen - substantiate why you assume that no significant impacts are likely. If you plan to carry out IA work for related later initiatives, please indicate this and explain the envisaged approach.*

An IA will not be necessary for the development of an EU Action Plan against wildlife trafficking, given that its purpose is to set out strategic orientations which would subsequently have to be translated into concrete deliverables and to make better targeted use of existing instruments. If necessary, IA would then be conducted before any concrete proposals with expected significant impact are being put forward (e.g. possible follow up proposals to the review of policy and legislation on environmental crime under the EU Agenda on Security).