

# **Your Voice In Europe: ROADMAP feedback for Action Plan against Wildlife Trafficking**

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## **Related document: Action Plan against Wildlife Trafficking**

### **Feedback:**

*Pro Wildlife very much welcomes the considerations by the EU to develop an EU Action Plan against Wildlife Trafficking. We endorse the report submitted by the Born Free Foundation in April 2015 containing recommendations for an EU Action Plan on Illegal Wildlife Trade ([http://www.bornfree.org.uk/uploads/media/EU\\_Trade\\_report\\_0415\\_FINAL.pdf](http://www.bornfree.org.uk/uploads/media/EU_Trade_report_0415_FINAL.pdf)) and would like to submit the following additional comments on the "Roadmap":*

#### *A. Context, Subsidiarity Check and Objectives*

##### *Context:*

*Pro Wildlife would like to stress the fact that currently wildlife trade is only partially regulated at the international level through CITES and through the EU wildlife trade regulations (WTR). Many species that are highly threatened and protected by their national governments remain unprotected in the EU and can be imported and traded legally although they were taken and / or exported illegally from their countries of origin (see [https://www.prowildlife.de/sites/default/files/2014-12-StolenWildlifeReport\\_LowRes.pdf](https://www.prowildlife.de/sites/default/files/2014-12-StolenWildlifeReport_LowRes.pdf)).*

*This significant aspect of illegal trade is currently not considered in the Roadmap. We strongly recommend to use the EU Action Plan against Wildlife Trafficking as a chance to expand the EU's duties as a main consumer market and to assist countries of origin (in which wildlife is illegally caught for the EU market) in their national conservation efforts. In order to achieve this, enforcement of existing regulations is insufficient and a new regulation is required making import, sale, purchase and re-export of specimens, which have been captured, traded or exported in violation of laws in the country of origin, a criminal act within the EU. In the absence of CITES regulations such stricter domestic measures are the only option to prevent the continued illegal trade in countless species that are prohibited from capture or commercial trade and export in their countries of origin. The US "Lacey Act" is providing a simple and realizable model for such an approach.*

*Such action would be in line with the recently passed UN Resolution A/RES/69/314 on tackling illicit trafficking in wildlife, which inter alia states:*

*2) "Encourages Member States to adopt effective measures to prevent and counter the serious problem of crimes that have an impact on the environment, such as illicit trafficking in*

*wildlife and wildlife products...*

3) *“Urges Member States to take decisive steps at the national level to prevent, combat and eradicate the illegal trade in wildlife, on both the supply and demand sides, including by strengthening the legislation necessary for the prevention, investigation and prosecution of such illegal trade.”*

*Issue:*

*- Issue expected to tackle*

*Pro Wildlife does not agree with the wording “While EU and global rules on wildlife trade are generally considered as adequate ...”: As pointed out above there is an urgent need to provide a legal basis enabling the EU (as a major consumer market) to tackle the illegal trade in nationally protected species.*

*Moreover, responses to the stakeholder consultation in 2014 identified gaps in the existing legislation that may be fuelling illegal trade and should be closed – e.g. through clear guidance documents. Examples include exemptions facilitating illegal and unsustainable trade such as wild specimens declared as “captive bred”, hunting trophies and export of alleged pre-convention ivory. This last issue also clearly illustrates the need for harmonized EU rules, given that a significant proportion of EU Member States has already prohibited ivory (re-) exports.*

*- Stakeholder mapping*

*We are concerned that the Roadmap very generally refers to “development organizations” as stakeholders and that this would open up – and shift the debate – to a wide range of interests that often are difficult to reconcile with the aims to improve wildlife conservation and reduce illegal trade. We therefore request a clear focus on wildlife conservation, environment and animal welfare NGOs (given that CITES and EU WTR include welfare requirements) when selecting stakeholders.*

*Why is this a problem at EU level?*

*The EU is a major destination for a wide range of wildlife products, including live animals imported illegally for the pet trade. Our investigations strongly indicate that this trade involves organized criminal groups specialized in rare non-CITES species, as these specimens promise maximum profit at minimum risk as soon as they are smuggled out of their country of origin.*

*Main policy objectives*

*Pro Wildlife proposes to add: “It aims to take responsibility as a main destination for illegally collected and traded wildlife and to support national conservation measures in range states.” Such a policy already exists in the timber sector (through FLEGT) and should be expanded to other important product groups such as live animals. This could be achieved without changing the existing EU regulation on wildlife trade (338/97) – but through developing a separate regulation.*

## *B. Option Mapping*

*While option 1 would more or less keep the existing status quo, option 2 would only enhance enforcement of existing regulations and not close identified gaps. It would also fail to bring sanction levels within the EU to an even level and to make wildlife crime a serious crime. These are urgent actions that were highlighted by many respondents to the stakeholder*

*consultation in 2014 and other fora, including UN Resolution A/RES/69/314, which “Calls upon Member States to make illicit trafficking in protected species of wild fauna and flora involving organized criminal groups a serious crime...”*

*Pro Wildlife strongly recommends Option 3, as this is the only approach promising solutions that are adequate to solve the problem. In order to prevent legislative measures from delaying other urgent action we would however encourage that these are dealt with under a separate time frame.*

*With regard to demand reducti*