

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

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Related document: Action Plan against Wildlife Trafficking

Feedback:

Feedback by Eurogroup for Animals on the Roadmap for EU Action Plan against Wildlife Trafficking

Eurogroup for Animals welcomes the Commission's decision to develop an EU Action Plan against Wildlife Trafficking, and would like to make the following comments on the published Roadmap (http://ec.europa.eu/smart-regulation/roadmaps/index_en.htm#fbform):

Issue

Eurogroup for Animals does not agree with the wording "While EU and global rules on wildlife trade are generally considered as adequate ...". In fact, the existing CITES and EU wildlife trade regulations don't grant any protection to many species that are highly threatened and protected by national legislation in their country of origin. These species can be legally imported and traded even if they were illegally taken and/or exported from their country of origin (see https://www.prowildlife.de/sites/default/files/2014-12-StolenWildlifeReport_LowRes.pdf). For instance, the EU is a major destination for live animals of rare non-CITES species legally imported for the pet trade.

We consider that the Action Plan should take into consideration this aspect of the legal market, by including actions to make the 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. Given the role EU Member States play as transit points and major destinations for many wildlife products, and the influential role the EU and its Member States have at an international level, the Action Plan represents an important opportunity to assist countries of origin in their conservation efforts, even for species that are not covered by CITES regulations. Please note that the American "Lacey Act" provides a simple and realisable model for such an approach.

We also consider that the following mayor issues/problems should be explicitly mentioned as

expected to be tackled by the Action Plan:

- The lack of appropriate and harmonised confiscation arrangements, identification and reporting among Member States;*
- The lack of a harmonised and efficient system to supervise the legal trade to ensure that wild-sourced animals or products derived from them are not being laundered through fraudulent use of captive bred codes.*
- The lack of species-specific measures to tackle the illegal trade of the most commonly illegally traded species (e.g. Barbary macaque)*

Who is affected and how (stakeholder mapping):

Please add animal welfare NGOs in the list of stakeholders.

Option mapping

Eurogroup for Animals supports the implementation of Option 2, as the adoption of the Action Plan is too urgent to risk any delay deriving from the assessment process needed for a new legislative proposal. However, we consider that new legislative measures are essential especially to ensure a level playing field among member states concerning sanctions for wildlife trafficking. The need for approximating sanctions levels for wildlife trafficking has already been largely assessed and recognized and we recall that following the UN Resolution adopted in 2013, EU Member State maximum penalties for imprisonment should be brought to 4 years or more in line with UNTOC Article 2(b), in order to invoke international measures against organised wildlife crime.

Consequently, we urge the Commission to ensure that the Action Plan includes an explicit commitment to develop a legislative proposal on wildlife trafficking as part of the 2016 review of the policy and legislative framework for environmental crime foreseen by the EU Agenda for Security 2015-2020 (COM (2015)185).

With regard to preventing wildlife trafficking, we recommend that the Commission includes in the Action Plan clear measures to ensure the closure of parallel legal markets, international and domestic, that are stimulating demand for species at significant risk such as elephants, rhinos and tigers.

Consultation approach

The Roadmap doesn't clearly indicate how and when further public consultation with all the involved stakeholders on the EU Action Plan envisaged elements has been planned. We therefore request to add this information in the Roadmap.