

BRIEFING PAPER

INTRODUCTION

The 28 Member States of the European Union (EU) form one of the largest consumer markets for wildlife and wildlife products in the world, ranking first as a consumer of fisheries products and second as an importer of timber and timber products in 2011 (Palin *et al.*, 2013; Oliver, 2013).

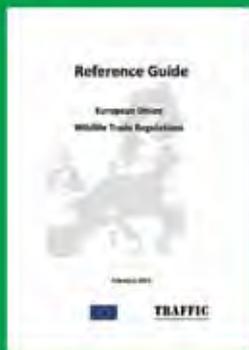
The EU is also a prominent consumer market for animal and plant species regulated through the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Therefore, the EU plays a crucial role in ensuring that this trade is both legal and sustainable and takes into account the needs of local communities in source countries.

Accordingly, the EU has adopted different sets of regulations to control this trade, namely to address the import of illegally sourced seafood products, to prevent illegally sourced timber entering the EU market and to regulate the trade in CITES-listed species of animals and plants (see box).

While these Regulations have a common aim of facilitating legal trade and preventing illegal wildlife from entering the EU market, they differ in their approach and the EU is lacking an overarching Strategy on Wildlife Trade.

The day-to-day implementation and enforcement of these regulations falls under the responsibility of different national authorities in the 28 EU Member States and there are large discrepancies between EU Member States with regard to the capacities, resources and legal frameworks available to enforce them.

Because of the EU's single market, efforts to fighting illegal wildlife trade are only as strong as the weakest link in the chain.



A TRAFFIC reference guide to the EU Wildlife Trade Regulations is available at: http://www.traffic.org/general-reports/traffic_pub_gen54.pdf

THE SCALE OF THE EU'S WILDLIFE TRADE

In 2011, the value of EU imports of CITES-listed animals and animal products¹ was estimated at ~EUR499 million with reptile skins and leather products accounting for approx. 70% of this value. In the same year more than 50 million parts and derivatives of CITES listed plant species were imported (UNEP-WCMC, 2013).

The EU is the **second largest market for timber and wood based products** importing 17% of global trade, in 2011 (Oliver, 2013). The total **value of the timber and wood based products imported** into the 27 EU Member States in 2011 was estimated at **EUR 25 billion** (Thünen Institute *in litt.* to TRAFFIC, March 2014)² Imports of pulp and paper products accounted for half of these imports. More than 82% of the total EU imports derive from "high risk" countries, these are countries with a Corruption Perception Index CPI³ of less than 50 (Canby and Oliver, 2013). In terms of value of imports, the leading EU Member States in 2011 were the UK, Germany, France, Italy, the Netherlands and Belgium.

The EU is the **world's largest single market for fishery products** (Palin *et al.*, 2013), amounting to **EUR 18.6 billion in 2011**⁴. The main importers in terms of volume are Spain, Germany, Sweden, UK and Italy.

WILDLIFE TRADE

(Indicative of relative trade value)

THE TERM "WILDLIFE TRADE" IS UNDERSTOOD TO INVOLVE LIVE ANIMALS AND PLANTS AND A DIVERSE RANGE OF ANIMAL OR PLANT BASED PRODUCTS FROM THE WILD INCLUDING SKINS, MEDICINAL INGREDIENTS, TIMBER AND WOOD BASED PRODUCTS, SUCH AS PAPER OR FURNITURE AND FISH, SEAFOOD AND OTHER FOOD PRODUCTS. IT IS ESTIMATED THAT THIS GLOBAL TRADE ANNUALLY INVOLVES HUNDREDS OF MILLIONS OF INDIVIDUAL PLANTS AND ANIMALS FROM TENS OF THOUSANDS OF SPECIES.



WILDLIFE TRADE IN THE EUROPEAN UNION

TRAFFIC
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CHALLENGES

In spite of the measures currently in place, poaching for international trade has escalated dramatically in recent years and is now the greatest threat to several species (WWF/ TRAFFIC, 2013). In 2012, poachers have killed approximately 22 000 elephants and more than 40 tonnes of illegal ivory were seized in 2013 (CITES, *et al.*, 2013). Similarly, rhino poaching has escalated in South Africa, the country that hosts over 80% of the global population. That country reported 1004 animals poached in 2013, compared to only 13 in 2007. At the same time, the value of rhino horn at the black market has risen above the price of gold (Europol, 2013b). Wildlife trafficking has become a highly profitable criminal activity, which attracts **transnational organized crime networks**. According to Europol, the role of organized criminal groups in wildlife trafficking within the EU is increasing, based on the expectation of high profitability with low risk of detection and low sanction levels (Europol, 2013a). The EU is both an important market for trafficked endangered species and a source region (Europol, 2013b). Ivory and rhino horn poached in Africa or stolen in the EU remain in high demand, particularly with customers in Asia.

Quantifying the scale of illegal wildlife trade is not possible due to its very nature. Overall, there is insufficient information and data sharing across the 28 EU Member States with regard to seizures of illegal wildlife

CITES	TIMBER	FISH
<ul style="list-style-type: none"> EU Wildlife Trade Regulations since: 1984 focus: on over 35 000 endangered species 	<ul style="list-style-type: none"> FLEGT* Action Plan (2003) EU Timber Regulation (EUTR) since: March 2013 focus: all timber and timber products 	<ul style="list-style-type: none"> EU IUU Regulation** since: January 2010 focus: all marine fishery products

* Forest Law Enforcement, Governance and Trade Action Plan
** EU Regulation on Illegal, Unreported and Unregulated Fishing



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products, levels of law enforcement efforts and information on prosecutions and infringements.

It is estimated that **illegal harvesting of industrial round wood** represented between 7 and 17% of global harvest in 2009 (Dieter *et al.*, 2012). The value of **illegal timber imported into the EU** was an estimated **EUR 3.8 billion**, or **around 15% of the total import value in 2010**⁵ (WWF UK, 2012). One year after the EUTR entered into force, **more than 20 EU Member States are not fully implementing the law** and **eight EU Member States still have no national laws** to implement and enforce this important piece of Regulation (ClientEarth, 2014).

The estimated **global value of illegally caught fishery products is approximately EUR 10 billion per year**. Between **11 and 26 million tonnes of fish are caught illegally a year**, at least 15% of world catches (European Commission, 2013). Very little quantitative information is available on the quantity of illegal fish products entering the EU. **Spain, one of the EU's most important fish importers**, has reported that only **56 out of 124 600 consignments were rejected** between 2010 and 2013 (**0.04 percent of consignments**). This figure is believed to account for more than half of consignment rejections across the whole of the EU (EJF, 2013).

EU-TWIX⁶ a database of **seizures of CITES-listed species in the EU** currently holds information on **over 37 000 seizure records** reported by EU CITES enforcement authorities since 2000, with an average of around **2500 seizures** reported each year. The majority of these wildlife seizures can be classified as "international", i.e. they relate to wildlife being smuggled into the EU. Often these seizures involve the smuggling of elephant ivory, medicinal products or parts of species used for medicinal purposes (see figure). **China** was reported to be one of the important countries, from where illegal wildlife enters the EU (TRAFFIC, 2013). China was also the leading destination for commodities seized upon (re-)export /while in transit. The majority of these records involved **elephant ivory** in transit between Africa and **China** (TRAFFIC, 2013).

Photo: © Brent Stirton / Getty Images / WWF-UK

Rhino horn thefts across Europe
Coinciding with the escalation of rhino poaching in Africa, thefts of displayed rhino horns throughout Europe rose. Data based largely on EUROPOL reports indicate that between 2009 and 2012, 94 rhino horns were stolen in Europe, including 12 imitation horns, and five rhino horn carvings or libation cups. These thefts represent highly organized criminal activity systematically targeting museums, antique dealers, auction houses, taxidermists and private collectors (Emslie *et al.*, 2012).

It is estimated that about 270 tonnes of illegal bushmeat passed through Paris Charles de Gaulle Airport, one of Europe's busiest airports, in 2010 (Chaber *et al.*, 2010).

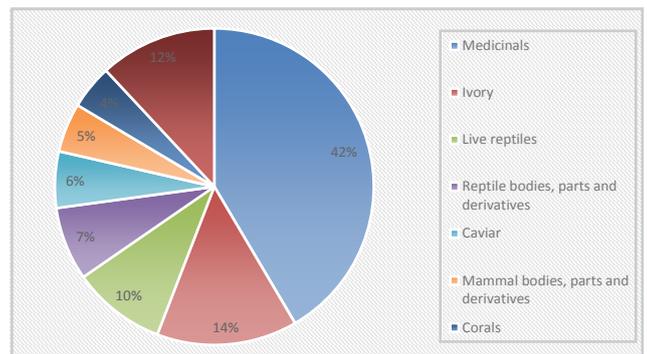
CITES enforcement is the responsibility of different enforcement authorities in each Member State (e.g. Customs, police, inspection services) and often these authorities have no formal mechanism to co-ordinate their activities or exchange intelligence on illegal wildlife trade. Although some tools or fora exist, such as EU-TWIX or the EU Enforcement Group, this lack of cooperation both at the national and at the EU level has remained one of the main challenges across the EU.

To address these shortcomings, the European Commission adopted in 2007 the EU Enforcement Action Plan⁷ with the aim of strengthening the enforcement of EU wildlife trade rules in the Member States. The Action Plan includes recommendations, for instance, on adopting national action plans for enforcement, imposing sufficiently high penalties for wildlife trade offences and co-ordinating enforcement among all relevant national authorities (e.g. via the

establishment of inter-agency committees). However, these recommendations are not legally binding, and they have been implemented unevenly across the EU. Regarding penalties, the EU and all Member States are Parties to the UN Convention against Transnational Organized Crime (UNTOC). This Convention can play an important role against wildlife trafficking, but only to the extent organized wildlife trafficking is recognized as a "serious organized crime", i.e. punishable with a maximum sanction of at least four years' imprisonment. Currently, this sanction threshold is not met in all EU Member States for wildlife trafficking (see Table).

Furthermore, many EU Member States have delegated specific tasks of national CITES implementation and enforcement to lower/local administrative levels. This is inadequate when dealing with organized crime and related syndicates. Differences in technology used, varied identification capacity and different technical skills across the Member States also hamper consistent and effective CITES enforcement.

Distribution of international seizure records reported by EU Member States across commodity groups, 2012 (Total of 799 seizures)



Source: seizure reports by 17 EU Member States (TRAFFIC, 2013)

1. This excludes "caviar extract". The value of this high-end item was estimated at ~EUR2.7 billion based on the US Customs Dataset.
2. This is based on import data for the 27 EU member States and does not include intra-EU trade
3. Transparency International Corruption Perceptions Index
4. This excludes intra-EU trade. With intra-EU trade included it was EUR36 billion in 2011.
5. More conservative estimates (e.g. Dieter *et al.*, 2012) suggest that in 2009 imports of wood from illegal harvesting into the EU accounted for 3-6% of all wood imports.
6. European Union –Trade in Wildlife Information eXchange, established in 2005, consists of a mailing list and a database of seizures. Further information can be found at <http://www.eutwix.org>.
7. Commission Recommendation of 13 June 2007 identifying a set of actions for the enforcement of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (2007/425/EC)

Table: Overview of EU Member States measures regarding enforcement of CITES in the EU

The table and graph below was extracted from Crook (2014), with the information on prison sentences included where it was thought to be specific to wildlife trade. The table provides an overview of how some of the key recommendations of the EU Enforcement Action Plan have been implemented by the 28 EU Member States.

Member State	Max. prison sentence	Max. fines in EUR for private persons (fine for legal entities in brackets)	National Action Plan for CITES Enforcement	National Inter-agency Group for CITES enforcement
Austria	2 years	1 800 000 (180 daily units)	Y	Y
Belgium	5 years	300 000	Y	N
Bulgaria	5 years	10 000	N	N
Croatia	5 years	13 160 (131 580)	N	Y
Cyprus	3 years	1700	N	N
Czech Republic	8 years	58 700	N	Y
Denmark	1 year	Variable	N	N
Estonia	5 years	65 000	Y	N
France	7 years	150 000	N	N
Finland	2 years	240 day fines (850 000)	N	N
Germany	5 years	1 800 000 (1 000 000)	N	Y
Greece	10 years	500 000	N	N
Hungary	3 years	332 (per specimen)	N	Y
Ireland	2 years	100 000	Y	N
Italy	1 year	103 000	N	N
Latvia	2 years	28 457 (28 457 000)	Y	N
Lithuania	4 years	37 650 (1 882 530)	N	N
Luxemburg	6 months	25 000	N	N
Malta	2 years	4659 (not specified)	N	Y
Netherlands	6 years	78 000 (780 000)	Y	Y
Poland	5 years	175 000 (1 250 000)	N	Y
Portugal	-	2494 (29 928)	Y	Y
Romania	3 years	3570 (23 800)	N	N
Slovakia	8 years	331 930 (99 582)	N	Y
Slovenia	3 years	20 856 (125 000)	N	Y
Spain	5 years	unlimited	N	N
Sweden	4 years	Variable (1 000 000)	N	N
UK	5 years	Unlimited	Y	Y

Source: Adapted from Crook, 2014 and information obtained from Croatia (Croatian CITES Management Authority *in litt.* to TRAFFIC, March 2014)

Abbreviations: N – No, Y – Yes, Notes: The sanctions provided in the table are based on various pieces of legislation. In many cases, the prison sentence is determined by laws different from those that set out the maximum fines.

KEY ASKS

- The EU should enhance its approach to wildlife trafficking by developing an **EU Strategy and Action Plan** (similar to those Strategies that exist for drugs or human trafficking).
- The EU's efforts against wildlife crime can only be successful when they are the result of genuine and willing cross sectoral co-operation between all relevant areas of Government (Environment, Interior, External, Development, Foreign Aid, etc.), both at the EU and at the Member State level.
- There needs to be full **recognition** – both at the political and the executive level – that any measures aimed at tackling organised crime in the EU should include **organised wildlife crime** as part of their focus.
- EU Member States that have not already done so, **institute maximum penalties of four years or more imprisonment**, so that national and international measures against organised crime can be invoked. Penalties and sanctions should be harmonized across the EU as far as possible.
- The **European Commission should take** appropriate legal **action** against those EU Member States that do not implement EU regulations.
- Given the seriousness of wildlife crime, its association with other forms of crime and its capacity to erode governance, diplomatic efforts to address it must be taken to a higher level. The adoption of a UN Resolution on the issue and the appointment of a Special Representative to the Secretary General would be crucial steps, which should be advocated by the EU.

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TRAFFIC, the wildlife trade monitoring network, is the leading non-governmental organization working globally on trade in wild animals and plants in the context of both biodiversity conservation and sustainable development.

TRAFFIC is a strategic alliance between WWF and IUCN, leading the delivery of key components of their missions and programmes through a unique partnership that combines the considerable strengths of each of these two major global conservation organizations.

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