

Enforcement of wildlife trade controls in EU Member States

Country Profiles

Compiled by TRAFFIC on behalf of Defra
for the EU Wildlife Trade Enforcement
Co-ordination Workshop

25th–27th October 2005

Latimer Conference Centre
Buckinghamshire, UK

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Contents

Introduction and Acknowledgements	5
AUSTRIA	7
BELGIUM	11
CYPRUS	16
CZECH REPUBLIC	20
DENMARK	27
ESTONIA	33
FINLAND	37
FRANCE	41
GERMANY	48
GREECE	55
HUNGARY	59
IRELAND	68
ITALY	72
LATVIA	78
LITHUANIA	83
LUXEMBOURG	89
MALTA	94
THE NETHERLANDS	98
POLAND	103

Contents

PORTUGAL	107
SLOVAKIA	111
SLOVENIA	116
SPAIN	125
SWEDEN	130
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	136

Introduction and Acknowledgements

This document was prepared by TRAFFIC on behalf of Defra for the EU Wildlife Trade Enforcement Co-ordination Workshop, hosted by Defra from 25–27 October 2005 in the Latimer Conference Centre in Chesham, UK.

The country profiles are based on information from the Biennial Reports prepared by EU Member States for the period 2003–2004 and other information compiled by TRAFFIC.

Drafts of the country profiles were sent to representatives of the CITES Management Authorities, Customs, Police and Inspection Services in each Member State for review and to provide additional information. TRAFFIC is grateful to all those who assisted in reviewing and completing the information in the country profiles.

TRAFFIC is grateful to Defra for facilitating the review process with the EU Member States. Special thanks are due to Katalin Kecse-Nagy and Dorottya Papp from TRAFFIC Europe-Central Eastern Office for providing information collected for a report on CITES implementation and enforcement in the Central Eastern European Region that will be published later this year, and to other TRAFFIC colleagues for providing additional information and assisting in the compilation and review of the country profiles.

AUSTRIA

Date of accession to EU: 1995
Date of accession to CITES: 1982

Country Statistics

Austria has a total area of around 83,870 km², and an estimated population of around 8.1 million. The capital is Vienna, and the government type is a federal republic. Austria is a landlocked country and shares its borders with the Czech Republic (362 km), Germany (784 km), Hungary (366 km), Italy (430 km), Liechtenstein (35 km), Slovakia (91 km), Slovenia (330 km) and Switzerland (164 km). Total border length is 2,562 km.

Wildlife Trade Legislation

CITES Regulations are enforced within Austria through the *Bundesgesetz über die Überwachung des Handels mit Exemplaren wildlebender Tier- und Pflanzenarten* (Artenhandelsgesetz – ArHG) – *Trade in Species Act* (30 January 1998), enforced with Federal Austrian Law Gazette No. 33/1998. The Act provides for Stricter Measures, Control Measures, Marking of specimens as well as Penal provisions. For a list of protected species and definitions it refers to the EU Regulations 338/97 and 939/97.

CITES Authorities

The Federal Ministry of Agriculture, Forestry, Environment and Water Management is the only Management Authority empowered to issue import, export and re-export-permits as well as CITES certificates. Phytosanitary Certificates (also called Plants Health Certificates) are issued by the Chamber of Agriculture in Vorarlberg for exports of artificially propagated plants in Annex II/B, mainly to Switzerland.

The Scientific Authorities in Austria are located in the nine local governments. These areas are regulated through their own nature- and animal-conservation laws.

Marking and Registration

Marking: Marking methods for animals listed in Annex A of the Council Regulation (EC No. 338/97) are detailed in the *Verordnung des Bundesministers für wirtschaftliche Angelegenheiten über die Kennzeichnung von Arten* (Arten-Kennzeichnungsverordnung) – Ministerial Decree (Minister for Economic Affairs) for the Marking of Species (16 September 1998), enforced with the Federal Austrian Law Gazette No. 321/1998.

AUSTRIA

Marking methods for specimens of captive-bred animals, as well as live vertebrates not bred in captivity, include closed rings, bands, tags, tattoos, marks, microchip-transponders and DNA-fingerprinting with feathers, blood and excrement. Picture-documentation also is used for reptiles.

Austria enacted the new national Animal Protection Act (BGBl Nr. 118/2004) and the national Animal Housing Regulation (BGBl Nr. 486/2004) which tightens the requirements for reporting, marking and housing for specimens of CITES Appendix-listed species.

Austria is currently in the process of revising national regulations regarding marking and identification of live Annex A specimens, particularly reptiles.

Analysis of blood or other tissues must be carried out to establish the ancestry of a specimen bred in captivity. These analyses are usually carried out for birds of prey and are undertaken by the University of Veterinary.

Registration: Owners of specimens of species which were imported to the EU before introduction of the ArtHG, bred in captivity or artificially bred or propagated, or held for scientific purposes are required to report these facts to the CITES Management Authority.

Authorised officers

Zollrechts-durchführungsgesetz, ZollR-DG (Implementing Act to the Customs Act) empowers custom authorities to control and enforce CITES or EU Reg. 338/97 violations in Austria's interior and border areas. The ZollR-DG authorises customs authorities to control all border traffic and enforce all legislation concerning prohibitions and restrictions of possession, taking, or utilisation of goods. It requires that customs authorities assist other agencies or officials, even in areas in which the custom authorities are not explicitly mandated in legislation to do so. According to paragraph 7 (4) of the *Austrian Species Trade Act*, the Customs Authority is authorised to seize and to confiscate specimen in order to secure the forfeiture.

Under Austria's national CITES regulations – *Artenhandelsgesetz* – the Austrian Police Force has no explicit role in the implementation of CITES even though violations of CITES often are closely connected to other forms of crime under the Austrian penal code, such as fraud, falsification of documents, cruelty to animals, etc., which are causal duties of the Police Force. Consequently, Environmental Crime Police Officers are skilled in detecting CITES violations and investigate occasionally.

Wildlife Crime is within INTERPOL's mandate and therefore the National Central Bureau Vienna (Interpol Vienna) is a focal point for Wildlife Crime in relationship to Austria. Interpol Vienna is the gateway between other INTERPOL National Central Bureaux and Austrian Police units. The Criminal Intelligence Service Austria also is INTERPOL Vienna and can be used as a centre for crime information exchange with other Austrian authorities including Wildlife Crime.

Sanctions

Austrian law (ArHG) provides for control, enforcement, and sanction mechanisms relating to the violations described in CITES and Regulation 338/97. Penalties for violation of ArHG and the EC Regulation 338/97 range EUR 1,453.50 to a maximum penalty of EUR 36,340.00 depending upon the offence and within which Annex the species is listed. Imprisonment for two years, seizure of all specimens, including containers, also is applicable under Austrian law and EC Regulation 338/97 depending upon the offence.

National “Wildlife trade/CITES co-ordination” Groups/Committees

Austria’s CITES Management Authority has initiated a process to establish a National Enforcement Focal Point which encompasses representatives from all CITES-relevant organizations (Austrian representatives from customs authorities, CITES Management Authority, CITES Scientific Authority and Austrian delegates attending meetings of the CITES Animal and Plant Committee etc.) to streamline better information exchange and to deal with changes in trade patterns of CITES-listed species.

Designated focal points for enforcement of CITES

The designated focal points for enforcement in Austria, communicated to the CITES Secretariat are as follows:

Federal Ministry of Finance (Customs Authority)
Gerhard Marosi, Julian Jandl
Dept IV/27
Himmelpfortgasse 4–8
A-1014 WIEN
Tel: +43 (1) 514 33/1235 (Marosi);
514 33/1315 (Jandl)
Fax: +43 (1) 512 61 81
Email: gerhard.marosi@bmf.gv.at;
julian.jandl@bmf.gv.at

AUSTRIA

Criminal Intelligence Service Austria
Karl Frauenberger, Crime Investigator
Unit 3.4.4 Environmental Crime
Josef Holanbek Platz 1
A-1090 WIEN
Tel: +43 (1) 24 83 68 53 27
Fax: +43 (1) 24 83 68 51 91
Email: karl.frauenberger@bmi.gv.at
umwelt@bmi.gv.at

FURTHER CONTACT DETAILS

CITES Management Authority

Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft
Division for Nature Conservation and Species Protection
Stubenbastei 5
A-1010 WIEN
Tel: +43 (1) 515 22 14 01
(Günter Liebel, head/jefe/chef)
+43 (1) 515 22 14 04
(Max Abensperg-Traun, administrator/administrador/administrateur)
Fax: +43 (1) 515 22 74 02
Email: guenter.liebel@lebensministerium.at
max.abensperg-traun@lebensministerium.at
Web: <http://www.lebensministerium.at/cites>

Scientific Authority *(one only of the nine SAs on the CITES website)*

Amt der Burgenländischen Landesregierung
Abteilung 5 – Anlagenrecht, Umweltschutz und Verkehr
Hauptreferat III Natur- und Umweltschutz
Europaplatz 1
A-7001 EISENSTADT
Tel: +43 (2682) 60 00
Fax: +43 (2682) 600 28 17
Email: post.abteilung5@bgld.gv.at
andreas.ranner@bgld.gv.at

BELGIUM

Date of accession to EU: founding member (1957)
Date of ratification of CITES: 1983

Country Statistics

Belgium has a total area of around 30,528 km², and an estimated population of around 10.5 million. The capital is Brussels, and the government type is a federal parliamentary democracy under a constitutional monarch. The coastline stretches for 66.5 km, and Belgium shares its borders with France (620 km), Germany (167 km), Luxembourg (148 km) and the Netherlands (450 km), with a total border length of 1,385 km.

Wildlife Trade Legislation

CITES is implemented in Belgium through the “framework law of July 28, 1981 approving the Convention on international trade in endangered species of wild fauna and flora and its Appendices, made in Washington on 3 March 1973, as well as the Convention’s Amendment, agreed upon in Bonn on 22 June 1979¹”, which came into force on 1 January 1984, and the “Royal Decree of 9 April 2003 on the protection of Species of Wild Flora and Fauna by Controlling their Trade²”.

CITES Authorities

The Federal Public Service for Public Health (Service Public Fédéral Santé publique) is the designated Management Authority and is the only authority authorised to issue CITES permits and certificates. A Scientific Committee, which is the Scientific Authority, is appointed in accordance with Article 24 of the Royal Decree of 20 December 1983.

Marking and Registration

Marking: Belgium follows the marking requirements of Articles 36 and 37 of Regulation (EC) No. 1808/2001 directly as there is no national law applying this EU Regulation in Belgium. Hence Annex A birds are marked with closed rings, Annex A reptiles and mammals with microchips and when a species (mainly tortoises or other reptiles) cannot be marked with a microchip (because it is too small or if another valid explanation is provided), the animal is given a limited-duration permit until it can be marked with a microchip.

¹ Loi du 28 juillet 1981 portant approbation de la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d’extinction et des annexes, faites à Washington le 3 mars 1973 ainsi que l’amendement à la Convention adopté à Bonn le 22 juin 1979

² Arrêté royal du 9 avril 2003 relatif à la protection des espèces de faune et de flore sauvages par le contrôle de leur commerce

Registration: Article 12 of the Royal Decree of 9 April 2003 specifies that any person or organisation who, for primarily commercial reasons, trades, exports, imports, re-exports, breeds or uses animal species from Annex A or B of EU Regulation is required to keep a registry according to a specified national format. The Royal Decree lists a number of exceptions to this registration requirement, details for which are included in French in the footnote³.

Authorised officers

According to Article 7 of the law of 28 July 1981, officers and officials authorised to enforce CITES include Customs officers, police officers, regional environmental agencies officers (IBGE in Brussels, DNF in Wallonie and Bos en Groen in Flander) and the federal veterinary service, who all have the power to seize specimens. Belgium does not have an Environmental Inspectorate.

Sanctions

Article 127 of the Programme Law of 27 December 2004 (which came into force on January 10, 2005)⁴ sets a fine of EUR1000-50 000 and/or a prison sentence of 6 months to 5 years for violations of EC Reg. No. 338/97.

National “Wildlife trade/CITES co-ordination” Groups/Committees

Art 17 of the Royal Decree of 9 April 2003 establishes an Enforcement Group. This group met frequently a few years ago (when the group worked on the modification of wildlife trade legislations in Belgium) but meetings are less frequent now. Usually, the meeting is attended by one representative of the Management Authority, Police, Customs, the Brussels public prosecutor’s department and TRAFFIC and the Management Authority chairs the meeting. Most of the work deals with legal texts and procedures to apply. There are more regular meetings and in smaller committee for specific operational files eg just the Management Authority and the Police. A new Enforcement Committee will be established by Ministerial Decree before the end of calendar year 2005.

³ EXCEPTIONS:

- les spécimens d’animaux nés et élevés en captivité des espèces inscrites à l’annexe 4 du présent arrêté et les hybrides de ces espèces;
- les spécimens répondant à la définition w) de l’article 2 du Règlement du Conseil;
- les produits finis fabriqués à partir de peaux, poils ou plumes de spécimens de l’Annexe B;
- les parties ou produits de spécimens de l’Annexe B destinés à l’alimentation sauf ceux désignés par le Ministre;
- les meubles, ustensiles, instruments de musique, bijoux et autres objets comprenant des parties ou produits de spécimens de l’Annexe A ou B, mais qui n’en sont pas le constituant principal.

⁴ Art. 127 de la loi programme du 27 décembre 2004 (entrée en vigueur le 10 janvier 2005).

Designated focal points for enforcement of CITES

No contact details for designated enforcement focal points are on the CITES website. However, contact details for enforcement officials may be found below.

International Meetings

The EU Enforcement Group is represented by the Federal Police, CITES M.A. and Customs. The following individuals were present at the last Meeting (EG10):

Laurent Grolet (Federal Police)	dgj.djb.mil@chello.be
Georges Evrard (Head of M.A.)	georges.evrard@health.fgov.be
Didier Rabosee (Customs)	didier.rabosee@minfin.fed.be

Frans Geysens (Federal Police) represents Belgium at the Interpol Working Group on Wildlife Crime. No other service attends.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

In Belgium, the Management Authority hosts a centralised database (which is maintained by the Federal Police), containing all seizures data for seizures made by all the authorised services as well as confiscations.

Judiciary

Belgium is not a member of the International Association of Prosecutors. There are no formalised channels of communication between the national CITES authorities and the State Prosecutors Office. However, the CITES MA and the national prosecution office do communicate as and when necessary.

FURTHER CONTACT DETAILS

CITES Management Authority

Service Public Fédéral Santé publique (Federal Public Service for Public Health)
Sécurité de la Chaîne alimentaire et Environnement (Safety of the Food Chain
and Environment)

Direction générale Animaux, Végétaux et Alimentation (D.G. for Animals, Plants and Food)
Service Bien-être animal et CITES (Service for Animal Welfare and CITES)

Eurostation

Bloc II – 7ème étage

Place Victor Horta 40 bte 10

B-1060 Brussels

Tel: Head: +32 (2) 524 74 00

Fauna: +32 (2) 524 74 01/02

Flora: +32 (2) 524 74 06

Fax: Head: +32 (2) 524 74 49

Secretariat: +32 (2) 524 74 47

Email: Head: georges.evrard@health.fgov.be

Flora: anneMadeleine.pironnet@health.fgov.be

Fauna: Isabelle.gregoire@health.fgov.be

Frans.arijs@health.fgov.be

Secretariat: apf.cites@health.fgov.be

CITES Scientific Authority

Belgium has a scientific committee composed of experts in animal and plant biology.

Secrétariat of the CITES Scientific Authority (Committee)

Service Public Fédéral Santé publique (Federal Public Service for Public Health)

Sécurité de la Chaîne alimentaire et Environnement (Safety of the Food Chain and Environment)

D.G. Animaux, Végétaux et Alimentation (D.G. for Animals, Plants and Food)

Service Bien-être animal et CITES (Service for Animal Welfare and CITES)

Eurostation

Bloc II – 7ème étage

Place Victor Horta 40 bte 10

B-1060 Brussels

Tel: +32 (2) 524 74 01/02

Fax: +32 (2) 524 74 47

Secretariat: apf.cites@health.fgov.be

BELGIUM

Customs

Didier Rabosee
Directeur, Service Public Federal des Finances, Administration des douanes et accises
(Director, Federal Public Service of Finances, Customs and Excises)
Boulevard du Roi Albert II, 33, Boîte 37, 1030 Brussels
Tel: +32 2 210 31 75
Fax: + 32 2 210 32 47
Email: didier.rabosee@minfin.fed.be

Police

Police Fédérale
DGJ – DJB – Service Environnement
Rue Frizt Toussaint, 47
1050 Brussels
Tel: 0032/2 642 63 52
Fax: 0032/2 641 23 60
Email: dgj.djb.mil@chello.be

Veterinary services

Service Public Fédéral Santé publique
Sécurité de la Chaîne alimentaire et Environnement
D.G. Animaux, Végétaux et Alimentation
Service Bien-être animal et CITES
Eurostation
Bloc II – 7ème étage
Place Victor Horta 40 bte 10
B-1060 Brussels
Tel: +32 (2) 524 74 01/02
Fax: +32 (2) 524 74 47
Email of Head: georges.evrard@health.fgov.be

Date of accession to EU: 2004
Date of ratification of CITES: 1975

Country Statistics

Cyprus has a total area of around 9,250 km², and an estimated population of 780,000. The capital is Nicosia and the government type is a Republic. The coastline stretches for 648 km, and Cyprus, although an island, shares land and sea boundaries with the British sovereign base areas of Akrotiri and Dhekelia. The island is the third largest island in the Mediterranean Sea.

Wildlife Trade Legislation

The principle legislation regarding the implementation of CITES in Cyprus is the *Law on the Protection and Management of Nature and Wildlife* (No. 153(I)/2003) which appoints the CITES Management and Scientific authorities as well as inspectors, including their responsibilities, as well as detailing penalties for violation of this law. In addition, the *Law for the Protection, Health and Welfare of Animals* (No. 1994 46(I)/1994) provides conditions for import and export including housing conditions for transport, and the *Customs Code Law* (No. 94(1)/2004) empowers customs to seize consignments imported or exported contrary to any prohibitions and restrictions under Customs or other Legislation.

CITES Authorities

The only Management Authority in Cyprus, appointed under the *Law on the Protection and Management of Nature and Wildlife* (No. 153(I)/2003), which can issue permits or certificates is the Environment Service (Ministry of Agriculture, Natural Resources and Environment) The Ministry of Interior (Game Fund Service) is not entitled to grant permits for trade, but advises the Environment Service on issues involving avifauna and avifauna products.

The Scientific Authorities (committees), also appointed under the *Law on the Protection and Management of Nature and Wildlife* (No. 153(I)/2003) are:

- (a) Scientific Committee for Aquatic Fauna and Flora species. Members represent the Department of Fisheries and Marine Research (chair), Environment Service and the Department of Veterinary Services.
- (b) Scientific Committee for Terrestrial Flora species. Members represent the Department of Forests (chair), Agricultural Research Institute, Department of Agriculture and the Environment Service.
- (c) Scientific Committee for Avifauna species. Members represent the Game Fund (chair), Department of Forests, Environment Service and the Department of Veterinary Services.

Marking and Registration

Marking: There are no specific legal provisions in Cyprus for the marking of specimens listed in the EU Annexes. Cyprus does not implement Article 36 of Regulation (EC) 1808/2001 with regard to marking of live Annex A birds and vertebrates, although this is being planned shortly.

Cyprus does not implement Article 34 of Regulation (EC) 1808/2001 with regard to marking of certain live animals as well as dead specimens and parts of such species such as skins, trophies or caviar, although is being planned shortly.

Registration: According to the *Law on the Protection and Management of Nature and Wildlife (No. 153(I)/2003)* the following need to be registered:

Captive breeding facilities: commercial captive breeding facilities, breeders and keepers of Appendix I species;

Captive bred specimens: specimens of Appendix I species bred in captivity (for commercial purposes);

Any other registration as required under CITES.

Authorised officers

Customs Officers work in close co-operation with the Officers of the Environment Service, for CITES implementation. Customs officers are empowered to enforce CITES under the *Customs Code Law 94(1)/2004* and may detain, seize and confiscate goods traded in contravention of the laws. Environment officers do not have legal authority to seize or confiscate goods, but they are responsible for the management and regulation of the trade of endangered species, the establishment and organization of scientific authorities, the appointment of inspectors and the designation of penalties imposed.

In addition to the Environment Service and Customs, government departments which can assist in implementation/enforcement of the Convention include:

1. Game Fund (Ministry of the Interior)
2. Veterinary Services (Ministry of Agriculture, Natural Resources and the Environment)
3. Department of Fisheries and Marine Research (Ministry of Agriculture, Natural Resources and the Environment)
4. Forestry Department (Ministry of Agriculture, Natural Resources and the Environment)

There are no specialised units within the police dealing with environmental crime. The police do not normally inspect or accompany the Environment or Customs officers on checks.

Sanctions

According to the *Law on the Protection and Management of Nature and Wildlife* (No. 153(I)/2003) sanctions (fine/imprisonment) can be as high as CYP 10,000 (approx. EUR 17,500) and/or not more than 3 years imprisonment.

National “Wildlife trade/CITES co-ordination” Groups/Committees

There is no wildlife trade enforcement co-ordination group established as of October 2005, although there are plans to establish a group consisting of Environment service, Customs and Police officers.

Designated focal points for enforcement of CITES

The designated focal points for the enforcement of CITES is the Environment Service and customs Authority.

International Meetings

Meetings of the EU Enforcement Group are attended by the Customs Authority. Cyprus does not attend meetings of the Interpol Working Group on Wildlife Crime.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

Seizures and confiscations are recorded, and can be made available to governmental departments if requested.

Judiciary

Cyprus is a member of the International Association of Prosecutors. Although formalised channels of communication exist between the national CITES authorities and the State Prosecutors Office regarding convictions for wildlife trade infractions, such links could be strengthened.

CYPRUS

FURTHER CONTACT DETAILS

CITES Management Authority

Ministry of Agriculture, Natural Resources and Environment
Environment Service,
1411– NICOSIA
Tel: +357 (22) 303 888
Fax: +357 (22) 77 4945
Email: aantoniou@environment.moa.gov.cy

Information on Avifauna

Ministry of Interior,
Game Fund,
1453 – NICOSIA
Tel: +357 (22) 662428
Fax: +357 (22) 867780

Customs Authority

Ministry of Finance,
Customs Authority
1440 – NICOSIA
Tel: +357 (22) 601688
Fax: +357 (22) 302018
(Attn: Mrs. Gloria Vasiliou)
Email: headquarters@customs.mof.gov.cy

CZECH REPUBLIC

Date of accession to EU: 1 May 2004
Date of ratification of CITES: 28 May 1992 (Czechoslovakia), 14 April 2003 (Czech Republic)

Country Statistics

The Czech Republic has a total area of 78,866 km², and an estimated population of 10.2 million. The capital is Prague, and the government type is a parliamentary democracy. The Czech Republic is landlocked and shares its borders with Austria (362 km), Germany (646 km), Poland (658 km) and Slovakia (215 km), with border length of 1,881 km.

Wildlife Trade Legislation

The framework legislation for the implementation of CITES in the Czech Republic is Act. No. 100/2004 Coll. on the Protection of Species of Wild Fauna and Flora by regulating trade there in and on further measures for protection of these species and on amendment of several acts (*Act on Trade in Endangered Species*). The *Act on Trade in Endangered Species* also provides for some further measures that go beyond the EC legislation such as the registration of certain specimens.

The above Act is supported by *Decree No. 227/2004 Coll. for implementation of certain provisions of the Act No. 100/2004 Coll.* which provides details regarding CITES documents, application forms and details of the specimen registration process.

CITES Authorities

The Agency for Nature Conservation and Landscape Protection (ANCLP) – a technical body of the Ministry of the Environment of the Czech Republic – is the designated CITES Scientific Authority (SA), designated under the *Act on Trade in Endangered Species*. The CITES SA includes some external experts from different institutions with expertise in, for example, ornithology, cacti and exotic birds.

The Ministry of Environment is the designated CITES Management Authority, designated under the *Act on Trade in Endangered Species*.

The State Phytosanitary Administration of the Czech Republic (74 offices) also is authorised to issue phytosanitary certificates for artificially propagated plant species listed in Appendices II and III and for artificially propagated hybrids produced from unannotated plant species listed in Appendix I.

State Regional Authorities and The Administrations of National Parks and Protected Landscape Areas are authorised to issue certificates for trade in CITES specimens within the EU.

Marking and Registration

Marking: Commission Regulation (EC) No. 1808/2001 and the Decree No. 227/2004 Coll. set the basic requirements for marking. The Ministry of the Environment has issued a guide on the methodology for marking although the methodology is still under development and revision. Exemptions may be granted, however, by veterinarians if the animal can not be marked for health reasons. Each office of the Czech Environmental Inspectorate has one or two microchip readers.

Marking in the Czech Republic			
Taxa	Marking technique	Responsibility	Legislation or requirements
Mammals	Transponder, pictures of non-interchangeable signs (photographic identification)	Owner of specimens	Regulation No. 1808/2001 and Decree No. 227/2004 Coll.
Birds	Closed ring	Owner of specimens	Regulation No. 1808/2001 and Decree No. 227/2004 Coll.
Birds	Open ring	Owner of specimens	
Birds	Transponder	Owner of specimens	Regulation No. 1808/2001 and Decree No. 227/2004 Coll.
Birds	Pictures of leg skin scutellums	Owner of specimens	Applied mainly for Falconiformes protected by Act No. 114/1992 Coll.
Reptiles	Transponder, pictures of lineation, pictures of non-interchangeable signs (photographic identification)	Owner of specimens	Regulation No. 1808/2001 and Decree No. 227/2004 Coll.
Derivatives	Tagging system, documentation	Owner of specimens	Regulation No. 1808/2001

Regarding identification of parenthood for specimens bred in captivity, DNA analysis is usually required for all new-born strictly protected native birds of prey (eagles, falcons), but there are exemptions.

CZECH REPUBLIC

Registration: With the exception of a few commonly kept species, all live specimens of species listed in Annex A as well as live specimens from a limited number of selected species from Annex B are required to be registered. Live mammals, live birds and live reptiles, mostly in Annex A but also selected species in Annex B, also are required to be registered; live and dead specimens of amphibians and lower taxa of animals and plants are not required to be registered. Registration (and issuance of EC Certificates according to Article 8.3 of the Regulation (EC) No. 338/97) is carried out by the State Regional Authorities and by the Administrations of National Parks and Protected Landscape Areas.

Exemptions for keeping strictly protected species may be granted by the Dept. for Particularly Protected Nature, on a case-by-case basis. Temporary imports (up to 3 months) need not be registered.

Applications for the registration of commercial breeders or nurseries of App. I. species are forwarded to the Ministry of Environment. After acceptance by the Ministry, the data are forwarded to the CITES Secretariat. As of August 2005, three nurseries producing App. I cacti for commercial purposes have been registered with the CITES Secretariat.

Currently, there is no central inventory of registered breeders and traders but a new computerised system for this purpose is being developed by the Ministry of the Environment (deadline for completion not known). The database will contain import and export permits, lists of registered breeders and specimens, Annexes, reservations and quotas. All local authorities will be connected to the system.

Authorised officers

Czech Environmental Inspectorate (CEI): The Czech Environmental Inspectorate (CEI) is an independent body established in 1991 under the Ministry of Environment. The headquarters are located in Prague and there are ten regional inspectorates and an office at Prague Airport since 2003.

A special unit for wildlife protection and CITES, established within the headquarters, operates the Prague Airport office. This special section (CITES section) was established within CEI on 1 January 2004 with four full-time inspectors who are also regularly training other CEI wildlife inspectors. This unit serves as the information and guidance centre for other inspectorates in CITES-related matters. There are 16 full-time and six part-time CITES inspectors on regional inspectorates of CEI.

CEI inspectors are not empowered to enter private homes, but close co-operative relationships with Customs and the Police enable this challenge to be overcome. An amendment to the Criminal Code in 2002 allows for infringements against protected species to be treated as criminal offences with penalties including imprisonment.

CZECH REPUBLIC

Customs: Prague International Airport is the only designated entry point for CITES-listed species. Duties of the Customs Administration include consignment documentation, checks of veterinary and phyto-sanitary certificates. Customs have an official agreement and a well-established and co-operative relationship with the Czech Environmental Inspectorate (CEI). Customs will pass on certain cases to CEI, and CEI assists Customs with identification of species and the transport of live seized specimens.

Special mobile customs teams have been established since accession to the EU and empowered to inspect internal trade, including trade in CITES specimens.

Police: There is co-operation with the Police Presidium on methodology of CITES-related issues. However, the police and courts are overburdened with other criminal actions, and investigation of the offences against nature protection is not considered to be a priority.

Veterinary administration authorities: In collaboration with the customs offices, veterinary authorities check transport conditions and assist with handling of specimens during seizure and confiscation.

Phytosanitary care authorities: In collaboration with the customs offices, these authorities assist with handling of specimens during seizure and confiscation and check transport conditions.

Regional authorities, administrations of national parks and administrations of protected landscape areas: These authorities are authorised to grant exemptions from the prohibition of commercial activities and registering of specimens within the territory of national parks and protected landscape areas.

Sanctions

Penalties for violation of the *Act on Trade in Endangered Species* stipulates fines ranging from EUR 6,250 for private persons to EUR 46,875 for offences committed by businesses.

CITES is also included in the Czech Criminal Code. In 2002, an amendment was made to the Criminal Code (No. 134/2002 Coll) that allowed for infringements against protected species to be treated as criminal offences with penalties including imprisonment. The maximum penalty under the Criminal code is imprisonment for up to eight years for committing a crime listed in *Article 1 or 2* in order to get extensive benefit or a crime in connection with an organised group operating in more countries.

National “Wildlife trade/CITES co-ordination” Groups/Committees

There is no “official” inter-agency committee established for coordination of CITES in the Czech Republic. Nevertheless, the Ministry (CITES MA) holds official monthly CITES meetings jointly with the SA, Czech Environmental Inspectorate, customs and other interested agencies. These meetings serve for exchange of information and co-ordination in CITES matters between agencies involved.

The Ministry together with the Czech Environmental Inspectorate is proposing to establish an official “CITES Enforcement Task Force” which would comprise the Czech Environmental Inspectorate and customs. Discussions with the police regarding their participation in this task force are on-going.

Designated focal points for enforcement of CITES

Designated focal points for CITES enforcement are provided on the CITES website, as follows:

Česká inspekce životního prostředí
(Czech Environmental Inspectorate)
Attn: Jan Klapuš, Ing.
Deputy Director
Na břehu 267
190 00 PRAHA 9
Tel: +420 (2) 22 86 03 76
Fax: +420 (2) 22 86 02 27
Email: klapus@cizp.cz

Generálníředitelství cel
(General Directory of Customs)
Attn: Lubomír Doskočil, Mgr
Odbor integrovaných kontrol
(Department of Integrated Controls)
Budějovická 7
140 96 PRAHA 4
Tel: +420 (2) 61 33 22 38
Fax: +420 (2) 61 33 22 20
Email: doskocil@cs.mfcr.cz

International Meetings

The EU Enforcement Group is attended by Ms. Renata Martincova, CEI, martincova@hk.cizp.cz.

The Interpol Working Group on Wildlife Crime is attended by Mrs. Pavla Rihova, CEI, rihova@cizp.cz

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

An centralised database of seizures and confiscations is maintained by CEI which, currently carries out the majority of confiscations.

Judiciary

The Czech Republic is a member of the International Association of Prosecutors. There are no formalised channels of communication between the national CITES authorities and the State Prosecutors Office but the state prosecutors can and do ask the Ministry for the advice in CITES legal matters (EC and our national law).

FURTHER CONTACT DETAILS

Ministry of the Environment

Department for the International Protection of Biodiversity
Office of the CITES Management Authority
Vršovická 65
100 10 PRAHA 10
Tel: +420 (2) 67 12 23 61; 67 12 11 11 (standard/central)
Fax: +420 (2) 67 31 03 28/09
Email: cites@env.cz (general/général)
jan_kucera@env.cz
zuzana_karaskova@env.cz
pavla_hycova@env.cz
magdalena_bouckova@env.cz
pavel_janda@env.cz
Web: <http://www.env.cz/www/laws/cites2.nsf>

Other Management Authority

Competent to grant export permits in the form of phytosanitary certificates for artificially propagated plant species listed in Appendices II and III and for artificially propagated hybrids produced from unannotated plant species listed in Appendix I

State Phytosanitary Administration of the Czech Republic)

Odbor karantény
(Division of Quarantine)
Drnovská 507
161 06 PRAHA 6
Tel: +420 (2) 33 02 22 40
Fax: +420 (2) 33 02 22 26
Email: karantena@srs.cz

DENMARK

Date of accession to EU: 1973
Date of ratification of CITES: 1977

Country Statistics

Denmark has a total area of around 43,094 km², and an estimated population of 5.5 million. The capital is Copenhagen, and the government type is a constitutional monarchy. The coastline stretches for 7,314 km, and Denmark shares its borders with Germany only, with a border length of 68km.

Wildlife Trade Legislation

Council Regulation (EC) No. 338/97 and Commission Regulation (EC) No. 1808/2001 are implemented in Denmark through the Ministry of Environment and Energy Statutory Order No. 84 of 23 January 2002 (Miljø- og Energiministeriets bekendtgørelse nr. 84 af 23. januar 2002 om beskyttelse af vilde dyr og planter ved kontrol af handelen hermed (Washingtonkonventionen/CITES).

This Statutory Order, which entered into force 1 March 2002, complements the EC Regulations by designating the competent authorities to ensure compliance of the regulations and to process and issue CITES permits in accordance with the regulations, as well as designating places of introduction and export. Furthermore, this Statutory Order imposes sanctions for infringements of the regulations.

CITES Authorities

The Ministry of the Environment and Energy is the designated CITES Management Authority for Denmark, although the Ministry of Food, Agriculture and Fisheries is authorised also to sign permits and certificates for flora. The CITES Management Authorities have no direct statutory enforcement powers but rely on other agencies (described below) to enforce CITES.

Marking and Registration

Marking: Denmark uses closed, seamless foot rings for birds, and micro transponders for other vertebrates or birds not bred in captivity. Photo documentation is accepted for small specimens such as baby snakes and tortoises with a carapace length of less than 10cm for the purpose of issuing EU certificates.

Registration: Denmark's legislation demands that blood samples must be submitted for all birds of prey and owls, for DNA profiling, but no procedures for establishing ancestry of captive bred species are required for other species.

Authorised officers

Import and (re-)export of fauna and flora passing the Danish borders is supervised by Customs who are authorised to seize specimens under the Customs Act.

The case will then be passed to the Management Authority (Danish Forest and Nature Agency when animals or plant products and Danish Plant Directorate when live plants). Thereafter, violations of Statutory Order No. 84/2002 will be handled by the Danish Prosecution Service (Police authority), also authorised to search premises.

The Danish Police Authority is responsible for investigating offences arising from breaches of Statutory Order No. 84/2002.

Denmark has short-term accommodation for wild fauna at Copenhagen Airport, the designated port of entry for live CITES animals. Specimens are transferred rapidly to a number of zoos and other relevant institutions.

There is no Environmental Inspection Agency, although Denmark does have a government veterinary service to ensure that Danish health requirements for animal and plant imports and exports are met.

Sanctions

Fines for violation of this Statutory Order do not have any set minimum or maximum amount unless higher penalties are imposed under other legislation. However, violations that are intentional, for commercial purposes, or committed with gross negligence may carry a fine of imprisonment up to one year.

Under the "Nature Protection Act", Chapter 13, additional powers may include:

- Confiscation (Nature Protection Act 89.5 and Criminal Code 75f) which may be carried out by the Court of justice/police.
- Search (Nature Protection Act 89.10 as to Chapter 73 of the Administration of Justice Act) which may be carried out by Court of justice/ police.
- Seizure (Chapter 74 of the Administration of Justice Act) which may be carried out by the Customs administration or the Danish Forest and Nature Agency (when accepted) and the police.

DENMARK

The most frequently used sanctions are fines and/or confiscation. Specimens in Annex B imported in good faith for non-commercial use (e.g. tourist souvenirs), usually result in confiscation. Cases of this nature involving Annex A specimens usually result in fines. Most cases involving confiscation and caution or small fines are settled out-of-court; most large cases are brought to court.

Violations that are intentional or committed with gross negligence and/or for commercial use will normally be punished by a fine together with confiscation. The proposed fine will be equivalent to the market value for Annex B specimens and two to three times the market value for specimens of Annex A. In general, fines settled in court are often less than those proposed by the public prosecutor.

According to the Danish Criminal Code any economical gain of a perpetrator may also be (partly) confiscated. According to the "Nature Protection Act" 91, the Management Authorities are entitled to claim refund of costs from the perpetrator. Costs of storage etc., of illegal specimens – or the costs of returning the specimens to the country of export – can thus be claimed from the person (including a company) in charge of the transport, or the receiver of the specimens.

National "Wildlife trade/CITES co-ordination" Groups/Committees

There is no national enforcement co-ordination group established in Denmark. However, law enforcement focal points have been appointed within the Danish Forest and Nature Agency, the Copenhagen Police, the Danish Plant Directorate (Department of Plants and Plant Health) and Central Customs and Tax Administration. These agencies meet together as and when necessary; the Danish Forest and Nature Agency chairs the group.

Designated focal points for enforcement of CITES

Law enforcement focal points have been appointed within Denmark, and contact details for these designated focal points are provided on the CITES website as follows:

Enforcement Authorities

Danish Forest and Nature Agency
Ms Maj F. Munk
Head of Section
Haraldsgade 53
DK-2100 KØBENHAVN Ø
Tel: +45 39 47 2 4 28/27
Fax: +45 39 47 23 12
Email: cites@sns.dk; mfm@sns.dk (Maj F. Munk)

Danish Police
Copenhagen Police – Dep. S
Politigården
DK-1567 KØBENHAVN V
Tel: +45 33 14 14 48
Fax: +45 33 43 00 74
Email: kbh-afds@politi.dk

Danish Plant Directorate
Department of Plants and Plant Health
Attn: Mr Brian Larsen
Skovbrynet 20
DK-2800 KGS. LYNGBY
Tel: +45 45 26 36 00
Fax: +45 45 26 36 13
Email: spp@pdir.dk; brl@pdir.dk

Central Customs and Tax Administration
Attn: Helle Ferm
Østbanegade 123
DK-2100 KØBENHAVN Ø
Tel: +45 72 37 23 51
Fax: +45 72 37 29 17
Email: helle.ferm@toldskat.dk

International meetings

The Danish Forest and Nature Agency, the Danish Police – Copenhagen Police – Dep. S, and the Central Customs and Tax Administration attend meetings of the EU Enforcement Group.

The Danish Police – Copenhagen Police – Dep. S, attends meetings of the Interpol Working Group on Wildlife Crime.

The Danish Police – Copenhagen Police – Dep. S, attends meetings of the Baltic States Task Force.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

There is no national centralised system for reporting seizures and confiscations and no standardised formats for reporting on seizures and confiscations within the police. Customs, however, do have standardised forms for reporting of seizures and confiscations.

Judiciary

Denmark is a member of the International Association of Prosecutors. Although there are no formalised channels of communication between the national CITES authorities and the State Prosecutors Office regarding convictions for wildlife trade infractions, informal and personal contacts are established and currently sufficient to ensure good exchange of information.

FURTHER CONTACT DETAILS

Management Authority/Autoridad Administrativa/Organe de gestion

Miljø- og Energiministeriet
(Ministry of the Environment and Energy)
Skov- og Naturstyrelsen
(Danish Forest and Nature Agency)
Haraldsgade 53
DK-2100 KØBENHAVN Ø
Tel: +45 39 47 20 00; 39 47 24 27; 39 47 24 28
Fax: +45 39 27 98 99; 39 47 23 12
Email: cites@sns.dk
Web: <http://www.cites.dk>

Other Management Authorities competent to grant permits/certificates

Flora

Ministeriet for Fødevarer, Landbrug og Fiskeri
(Ministry of Food, Agriculture and Fisheries)
Plantedirektoratet
(Danish Plant Directorate)
Skovbrynet 20
DK-2800 LYNGBY
Tel: +45 45 26 36 00
Fax: +45 45 26 36 10
Email: pdir@pdir.dk (general)
brl@pdir.dk (Brian Larsen)

Greenland/Groenlandia/Groenland

Ministry of Environment and Nature
P.O. Box 1614
DK-3900 NUUK
Tel: +299 34 67 01; 34 67 18
Fax: +299 32 52 86
Email: susi@gh.gl; inth@gh.gl
Web: <http://www.nanoq.gl>

Scientific Authority

Miljø- og Energiministeriet
(Ministry of the Environment and Energy)
Skov- og Naturstyrelsen
(Danish Forest and Nature Agency)
Haraldsgade 53
DK-2100 KØBENHAVN Ø
Tel: +45 39 47 20 00; 39 47 24 27; 39 47 24 28
Fax: +45 39 27 98 99; 39 47 23 12
Email: cites@sns.dk

ESTONIA

Date of accession to EU: 2004
Date of ratification of CITES: 1992

Country Statistics

Estonia has a total area of around 45,226 km², and an estimated population of 1.4 million. The capital is Tallinn, and the government type is a parliamentary republic. The coastline stretches for 3,794 km, and Estonia shares its borders with Latvia (339 km) and Russia (294 km), with a total border length of 633 km.

Wildlife Trade Legislation

CITES and the EC Regulations No. 338/97 are implemented in Estonia through the *Nature Conservation Law* (2004).

CITES Authorities

The Ministry of the Environment is the appointed Management Authority and is the only authority authorised to issue CITES permits and certificates. The Scientific Authority is the Estonian Scientific Committee of CITES.

Marking and Registration

Marking: requirements for marking currently are the same as specified in the EU Wildlife Trade Regulations. New regulations, however, are being drafted regarding stricter measures on keeping, registration, marking etc., of specimens of species covered by EC Regulation No. 338/97.

Marking will be the responsibility of the owner although expenses will be borne by the Ministry. All "new" specimens will have to be marked; "old" specimens only if they are sold or exported. Responsibility to prove the legal origin of the specimens will rest with the seller/exporter.

Currently, there is no legislation regarding the obligatory identification of parenthood of specimens bred in captivity for commercial purposes.

Registration: This new regulation, anticipated to be in force in October 2005, will require the registration and marking of all Annex A mammals, birds and reptiles as well as the registration of breeding operations for commercial purposes.

Authorised officers

The Environmental Inspectorate, established under the Environmental Supervision Act (2001), consists of a central office, seven regional offices and 15 county-level offices. One person in each office is responsible, *inter alia*, for CITES issues.

The Environmental Inspectorate has the right and the obligation:

- to monitor adherence to the requirements in the fields of environmental protection and use (including EU regulations on the protection of species of wild fauna and flora) and to suspend or terminate activities which are contrary to the specified requirements;
- to seize illegally procured specimens, their parts and derivatives.

The Environmental Inspectorate is not authorised to confiscate specimens, but may and, in the cases specified by international agreements, return specimens confiscated through the courts to their state of export.

Customs are authorised to seize and confiscate goods, including the means of transport, if carried unlawfully across the border.

The Veterinary and Food Board collaborates with customs, assisting in the identification handling of specimens as well as checking transport conditions.

Sanctions

On 8 April 2005, Regulation No. 69 entered into force which provides the legal framework for sanctioning environmental infractions caused by destroying or damaging of protected natural objects or protected species. In the case of infringement of rules established under EC Reg. No. 338/97 for transactions and operations with specimens of species listed in Annexes A–D of this regulation, compensation for environmental damages will be between 200–1.000.000 EEK (12–65 000 EUR), depending on the conservation status and the market value of the specimen concerned.

The highest fine for violation of the *Nature Conservation Law* (2004) is 18 000 EEK (1150 EUR) or arrest, unless the same violation is committed by a corporation in which case the fine is up to 50,000 EEK (3,200 EUR).

The Penal Code also allows for pecuniary sanctions and for imprisonment of up to five years for false declaration, forged documents, and other attempted means of evading detection at the border crossing with the maximum sentence being given to an official taking advantage of his or her official position, or if carried out by a group.

National “Wildlife trade/CITES co-ordination” Groups/Committees

There is no national enforcement co-ordination group. However, representatives of different authorities (MA, SA, customs, environmental inspectorate, veterinary service) communicate via CITES mailing list and meet once or twice a year. The Police are not very actively involved in the CITES implementation process, but currently the CITES MA does not feel the need for more active involvement. Customs also reports good international co-operation with Finland, Latvia and Lithuania.

Designated focal points for enforcement of CITES

Details of designated enforcement focal points are provided on the CITES website as follows:

Estonian Tax and Customs Board

Attn: Maris Malbe

Senior Investigator

Investigation Department

Narva mnt 9j

EE-15176 TALLINN

Tel: +372 683 58 29

Fax: +372 683 59 22

Email: maris.malbe@emta.ee

Environmental Inspectorate

Attn: Tiina Troshkin

Leading Inspector

Kopli 76

EE-10416 TALLINN

Tel: +372 696 22 43

Fax: +372 696 22 37

Email: tiina.troshkin@kki.ee

The Police Board

Parnu mnt 139

EE-15060 TALLINN

Tel: +372 612 30 00

Fax: +372 612 30 09

Email: politseiamet@pol.ee

International meetings

Tiina Troshkin from the Environmental Inspectorate and Elika Brosman attend meetings of the EU Enforcement Group.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

Currently, there is no national centralised system for reporting seizures and confiscations. Discussions, however, have been held between the CITES MA and Customs and it is acknowledged that such a system would be beneficial.

Judiciary

Estonia is a member of the International Association of Prosecutors. Enforcement authorities in Estonia have formalised channels of communication and co-operation with the state prosecutors office.

FURTHER CONTACT DETAILS

Management Authority

Ministry of the Environment
Narva mnt 7a
EE-15172 TALLINN
Tel: +372 626 28 82
Fax: +372 626 29 01
Email: kadri.alasi@ekm.envir.ee

Scientific Authority

Estonian Scientific Committee of CITES
Tel: +372 694 33 18
Fax: +372 657 89 90
Email: t.maran@tallinnlv.ee

FINLAND

Date of accession to EU: 1995
Date of ratification of CITES: 1976

Country Statistics

Finland has a total area of around 338,145 km², and an estimated population of 5 million. The capital is Helsinki, and the government type is a republic. The coastline stretches for 1,250 km, and Finland shares its borders with Norway (727 km), Sweden (614 km) and Russia (1,340 km), with a total border length of 2,681 km.

Wildlife Trade Legislation

National legislation for the implementation of CITES and EU regulations in Finland is the *Nature Conservation Act* (1096/1996), which entered into force on 1 January 1997. The amended section 44 (492/1997) of this Act deals with "International Trade in Endangered Species". Other legislation relevant to the implementation of CITES includes, *inter alia*, in the Hunting Act, Customs Act and Animal Welfare Act.

CITES Authorities

The Ministry of the Environment (MoE) is the designated CITES Management Authority although permits and certificates are issued only by the Finnish Environment Institute (FEI); the Ministry of the Environment is responsible for prescribing more detailed provisions for the implementation of the EU Regulations. The Finnish Museum for Natural History (FMNH) of the University of Helsinki is the designated Scientific Authority. Customs are responsible for enforcing regulations regarding the import, (re-)export, and transit of CITES Appendix-listed specimens.

Marking and Registration

Finland has legal provisions for the marking of specimens listed EU Annexes A and B.

Authorised Officers

No information available

Sanctions

Section 58 of the *Nature Conservation Act* details the sanctions for violation of Art. 12.1 and 2 of EU Council Regulation 338/97 and refers to the environmental crime sections of the Penal Code. Chapter 48, section 5 of the Penal Code prescribes penalties of nature conservation offences with a maximum penalty of 2 years imprisonment.

Section 59 prescribes forfeiture of the specimen for violations involving listed species; any financial gain/corresponding monetary value of the specimen also is forfeited to the State. The Ministry of the Environment is responsible for recommending monetary values: values are specified in Decision 1209/1995 and range from FIM 100 (around EUR 16.00) for common birds and mammals to FIM 58,000 (around EUR 9,500) for the endemic ringed seal (*Phoca hispida*) of Lake Saimaa.

National “Wildlife trade/CITES co-ordination” Groups/Committees

Although no formalised national wildlife trade enforcement group has been established in Finland, co-operation between the Management Authority and Customs is on-going on a case-by-case basis, and the police are involved where appropriate; co-operation with the National Board of Inspection (national party to Interpol) also has been initiated. These agencies meet on a semi-formal basis one or two times a year.

Designated Focal Points for enforcement of CITES

Details of designated enforcement focal points are provided on the CITES website as follows:

The Swedish Customs Service
Attn: David Sultan
Customs Adviser
Environmental Crime
P.O. Box 12854
S-112 98 STOCKHOLM
Tel: +46 (31) 63 35 69
Fax: +46 (31) 63 39 75
Email: david.sultan@tullverket.se

FINLAND

The Swedish Prosecution Authority
Development Centre of Stockholm/Environment
Attn: Mats Palm
Special District Prosecutor
P.O. Box 5553
S-114 85 STOCKHOLM
Tel: +46 (8) 453 66 51
Fax: +46 (8) 453 37 10
Email: mats.palm@aklagare.se

International Meetings

Designated enforcement officers attend meetings of the EU Enforcement Group and the Baltic States Task Force, but not the Interpol Working Group on Wildlife Crime.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

Finland has a national centralised system for reporting seizures and confiscations made by police and customs to the CITES Management Authority.

Judiciary

Finland is a member of the International Association of Prosecutors and formal channels of communication have been established between the national CITES authorities and the State Prosecutors Office regarding convictions for wildlife trade infractions.

FINLAND

FURTHER CONTACT DETAILS

CITES Management Authority

Ympäristöministeriö

(Ministry of the Environment)

Alueidenkäytön osasto

(Land Use Department)

Kasarmikatu 25

PL 35

FIN-00023 GOVERNMENT

Tel: +358 (9) 16 03 93 71

Fax: +358 (9) 16 03 93 64

Web: <http://www.vyh.fi/luosuo/lumo/lasu/cites/cites.htm>

The/ELL' Ympäristöministeriö (Ministry of the Environment)

does not issue permits or certificates

Other Management Authority competent to grant permits

Suomen Ympäristökeskus

(Finnish Environment Institute)

Luontoytoyksikkö

(Nature Unit)

PL 140

FIN-00251 HELSINKI

Tel: +358 (9) 40 30 00

Fax: +358 (9) 40 30 07 91

Web: <http://www.vyh.fi/luosuo/lumo/lasu/cites/cites.htm>

Scientific Authority

Luonnontieteellinen keskusmuseo, Helsingin yliopisto

(Finnish Museum of Natural History, Helsinki University)

PL 17

FIN-00014 HELSINKI

Tel: +358 (9) 19 11

Fax: +358 (9) 19 12 88 43

FRANCE

Date of accession to EU: Founding members (1957)
Date of ratification of CITES: 10 May 1978; entry into force of CITES: August 9, 1978

Country Statistics

France has a total area⁵ of approximately 544.435 km² and an estimated population of 60.7 million. The capital is Paris and the political system of France is a bicameral semi-presidential republic.

The coastline stretches for 3,427 km and France shares its borders with Andorra (56.6 km), Belgium (620 km), Germany (451 km), Italy (488 km), Luxembourg (73 km), Monaco (4.4 km), Spain (623 km) and Switzerland (573 km), with an overall length of border of 2,889 kilometers.

Wildlife Trade Legislation

French 'Codes' contain both legislative and regulatory components and two Codes are relevant to wildlife trade: the Environment Code and the Customs Code.

The Environment Code provides the primary mechanism for implementation and enforcement of the EC Wildlife Trade Regulations in France, and Law book IV of the Environment Code treats, in particular, protection of fauna and flora. «Ministerial Order of 30 June 1998 setting the methods of application of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and Council Regulations (EC) No. 338/97 and Commission Regulation (EC) No. 939/97⁶», issued under Art. L.412 of the Environment Code, is the primary legal mechanism for the application of CITES and the EC Regulations in France. It lays down arrangements regarding transport, transit, use, imports and (re)-exports of animal and plant specimens. Infringements are covered by article L.415-3 of the Environment Code.

The Customs Code establishes a general framework for import and export controls; its provisions on restricted goods (Article 215) are applicable to species listed in the Annexes of EC Regulation No. 338/97 through the intermediary of the "Ordinance of 11 December 2001 applying Article 215 of the Customs Code⁷". Holders of specimens are required to provide proof of legal ownership. Corresponding sanctions for infringements of the Customs Code are provided in Art.414 of the Customs Code.

⁵ Includes only metropolitan France; excludes the overseas administrative divisions

⁶ AM du 30 juin 1998 fixant les modalités d'application de la convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction et des règlements (CE) No. 338/97 du Conseil européen et (CE) No. 939/97 de la Commission européenne

⁷ Arrêté du 11 décembre 2001 portant application de l'article 215 du code des douanes

CITES Authorities

The CITES Management Authority in France is the Ministry of ecology and Sustainable Development (Direction of Nature and Landscapes – Department of International Exchanges of Endangered Species).

As an Overseas Territory (Collectivity *sui generis*), New Caledonia has its own Management Authority, which is the Secretary General of the High Commission of the Republic of New Caledonia. Since January 2001, the 26 environmental regional directions (DIREN) as well as the direction of the agriculture and the forest of Mayotte Island issue CITES permits and certificates on behalf of the prefects of French “departments” (chief administrative division), due to devolution of the individual administrative decisions.

Since January 2005, requests for permits are handled through an electronic link (<http://cites.ecologie.gouv.fr/v1/pages/cites.asp>). This Website, managed by the Department of International Exchanges of Endangered Species, provides use of a data base for the public and the instructor agents in DIREN. The database is updated every day and contains all taxonomic and legal information relating to the species registered in the Annexes of EU Regulation No. 338/97.

Marking and Registration

Marking: Breeding birds listed in Annex A must be identified by closed rings. Other vertebrates must be identified by transponders conforming to the ISO 11784:1996 and 11785:1996, apart from those birds already marked by another type of micro-frequency transponder which can be read by a reader conforming to the ISO11785 standard. If this process cannot be applied because of the physical or behavioural properties of the specimen, marking by other means such as tattooing is used.

A microchip is injected into Tortoises and turtles with a plastron length of over 100 mm have a microchip inserted. Bodies are identified after the age of 6 months; under that age they receive a temporary certificate.

Breeders holding less than 6 specimens of wild species covered under the French Government Decree of 10 August 2004 are required to be authorised in accordance with Article L.412-1 of the Environment Code.

Registration: Breeders holding more than six specimens of wild species covered by the French Government Decree of 10 August 2004 are regarded as business operations. They are required to operate in conformity with Article L.413-2 of the Environment Code which requires persons in charge to hold a certificate of competence for the maintenance of the animals. Under Article L.413-3 of the Environment Code, the facility also is required to be registered for the purposes of breeding, sale, hiring or transit of wild species and for presentation of live specimens of local or exotic fauna to the public.

Authorised officers

Research and the findings of infringements to the criminal law are carried out by the criminal investigation detectives (OPJ) and, under their control, by the criminal investigation officers (APJ), posted in the services of the Police Nationale (*Home Office*) or the units of the Gendarmerie Nationale (*Ministry of Defence*). In this mission, they are placed under the direction of the public prosecutors (*Department of Justice*). The OPJ and APJ are based on the penal provisions of the Environment Code, which is the legislative support for the execution and the application on the territory of the French Republic of the International Conventions and the Community Regulations relating to the trade of the wild species.

Article L.415-1 of the Environment Code extends the capacity for levying fines to commissioned Customs officers (*Ministry of Finances*), to the rangers of the National office of Hunting and Wild Fauna (ONCFS – “CAPTURE-CITES SQUAD” – *Ministry for Ecology and Sustainable Development*), to the guards of the national parks and those of the Higher Council for Fishing (*Ministry for Ecology and Sustainable Development*), to the commissioned agents of the veterinary regional departments (*Ministry of Agriculture and Fishing*), and to agents of the maritime administrative police (*Ministry of Transport and Sea*). Although authorised officers are empowered to make seizures, confiscations must be pronounced by a judge.

The French Government Decree 2004-612 of 24 June 2004 creating the French National Agency for Fighting Against Environmental and Public Health Crime (OCLAESP) stipulates in Article 3 that OCLAESP is charged to lead and to coordinate the criminal investigations at the national and operational level relating in particular to environment offences.

Only Customs officers are competent to enforce the provisions of the Customs Code.

France also has a number of **enforcement and management co-ordination authorities**: The French national agency for fighting against environmental and public health crime (OCLAESP) is charged to lead and co-ordinate criminal investigations at the national and operational level relating in particular to the environmental crime.

Several inter-ministerial and inter-services meetings are organised each year by the Department of International Exchanges of Endangered Species, according to the topicality national, European Community and international relative to CITES.

When the Department of International Exchanges of Endangered Species or the DIREN suspect certain infringements, they can request targeted controls.

Several inter-ministerial and inter-services meetings are organised each year by the Department of International Exchanges of Endangered Species, according to whether the issue under discussion is a national, European Community and/or international issue.

The MA organises three annual meetings of the CITES and Arts Professions Interministerial Consultative Committee, which is attended by the SA, customs, the national office of hunting and wild fauna, representatives of the ministries in charge of agriculture, fisheries, artisanal professions of overseas, of culture and foreign affairs as well as professional bodies and NGOs involved in CITES. These meetings are aimed at informing the participants about the evolution of the CITES and EU legislations and to prepare the French Government position on issues before international meetings.

Sanctions

Penalties for violation of EC Reg. No. 338/97 are punishable through:

- Article L.415-3 of the Environment Code with a maximum fine of EUR9,000 and/or six months imprisonment. Specimens seized by the criminal investigations detectives may be confiscated as well as instruments and vehicles having been used to commit the offence (planes, cars or all other vehicles having been used for their transport);
- Article 414 of the Code of Customs by a maximum prison sentence of three years, the confiscation of the object involved in the fraud and a fine ranging from one to two times the object's value. The sanction may be increased to a maximum of 10 years and the fine increased to a maximum of five times the value of the specimen if the act of smuggling endangers human health, moral or public security, or when the illegal activities are part of organised crime.

Designated focal points for enforcement of CITES

The focal point officially appointed for the fight against fraud is:

Lieutenant-colonel Emmanuel BARTIER

Commander-in-Chief of the OCLAESP

French national agency for fighting against environmental and public health crime (OCLAESP)

Quartier du Fort

F-94110 Arcueil

Tél: +33 (1) 56 28 70 71

Fax: +33 (1) 56 28 71 79

Email: oclaesp@gendarmerie.org

FRANCE

The focal point for general implementation of CITES in France (apparatus of management) is:

Sylvie GUILLAUME

Head of the international exchanges off endangered species Department

DNP – Ministère de l'écologie et du développement durable

20, avenue de Ségur – 75302 Paris 07 SP

Tél: +33 (1) 42 19 18 81

Fax: +33 (1) 42 19 19 81

Email: sylvie.guillaume@ecologie.gouv.fr

International meetings

EU Enforcement Group meetings may be attended by representatives of OCLAESP, the French Customs, the National office of Hunting and Wild Fauna, Ministry for Ecology and Sustainable Development.

Interpol Working Group meetings: OCLAESP leads the matters concerning the fight against the fraud CITES in France.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

There is currently no national centralised system for reporting seizures and confiscations. However, OCLAESP, would like to develop such a system in the future. There are no standardised formats for reporting on seizures and confiscations within the Police.

Customs headquarters send a list of seizures of specimens listed in the EU Annexes to the CITES MA 2 to 4 times per annum. However, this list does not detail the species in question, nor the circumstances of the infringements.

Judiciary

France is a member of the International Association of Prosecutors. However, there are no formalised channels of communication between the national CITES authorities and the State Prosecutors Office regarding convictions for wildlife trade infractions.

FRANCE

FURTHER CONTACT DETAILS

Brigade mobile d'intervention de l'Office nationale de la chasse et de la faune sauvage

Ismaël Alexandre COSTA

Head of the Brigade

Ministère de l'Environnement et du Développement Durable

Office national de la Chasse et de la Faune Sauvage - Brigade CITES Capture

Domaine de Chambord – Pavillon du pont du Pinay

41250 CHAMBORD

Tel: 02 54 87 05 82

Fax: 02 54 87 05 90

Email: dp.bmi-cw@oncfs.gouv.fr

Customs

Direction générale des douanes et droits indirects:

Daniel BAUDUIN

Bureau E 2 – DGDDI

23 bis, rue de l'Université

75700 Paris 07 SP

Tél: (33) 1 44 74 49 34

Fax: (33) 1 44 74 49 70

Email: daniel.bauduin@douane.finances.gouv.fr

Direction nationale des renseignements et enquêtes douanières:

LUQUET

18/22, rue de Charonne – BP 529

75528 Paris Cedex 11

Tél: (33) 1 49 23 37 47

Fax: (33) 1 49 23 39 22

Email: jean-paul.luquet@douane.finances.gouv.fr

FRANCE

Scientific Authorities

Muséum national d'histoire naturelle
57, rue Cuvier
F-75231 Paris CEDEX 05

Mme. Geneviève Humbert
(général) +33 (1) 40 79 48 11
Email: humbert@mnhn.fr

M. Yvan Ineich
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Email: ineich@mnhn.fr

M. Joël Jérémie
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Email: jeremie@mnhn.fr

Nouvelle-Calédonie

Institut de recherche pour le développement

B.P. A5
F-98848 Noumea CEDEX
Tél: +687 26 10 00
Fax: +687 26 43 26
Email: segura@noumea.ird.fr

Regional apparatus management

The list is available at: http://cites.org/common/directy/f_directy.html

GERMANY

Date of accession to EU: founding member (1957)
Date of ratification of CITES: 1976

Country Statistics

Germany has a total area of around 357,021 km², and an estimated population of around 82.4 million. The capital is Berlin, and the government type is a federal republic. The coastline stretches for 2,389 km, and Germany shares its borders with Austria (784 km), Belgium (167 km), Czech Republic (646 km), Denmark (68 km), France (451 km), Luxembourg (138 km), Netherlands (577 km), Poland (456 km), Switzerland (334 km), with a total border length of 3,621 km.

Wildlife Trade Legislation

A revised version of the *Federal Nature Conservation Act*⁸ was promulgated on 3 April 2002 and has been in force since 4 April 2002. Part Five is concerned with the protection of wild fauna and flora. This Act places under protection the species listed in Annex A and Annex B of the EC Regulation. The Act also grants powers to impose further more detailed rules, which are laid down in the *Federal Ordinance on the Conservation of Species*⁹ which was revised with effect from 25th February 2005.

CITES Authorities

The Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit is responsible for all international affairs and deals with the CITES Secretariat and is the lead Management and Authority but does not issue CITES permits or certificates. The Federal Agency for Nature Conservation (Bundesamt für Naturschutz, BfN) is the only Management Authority competent to grant CITES permits or certificates, except phytosanitary certificates for artificially propagated plants which can be granted by numerous MAs in the different Bundesländer (federal parts of the country). In addition, there are (over 200) regional authorities which grant certificates for internal EU trade.

BfN is the Scientific Authority for flora and fauna.

⁸ Gesetz über Naturschutz und Landschaftspflege, BNatSchG

⁹ Verordnung zum Schutz wild lebender Tier- und Pflanzenarten, BArtSchV

Marking and Registration

Marking: National marking provisions for species listed in Annex A of Regulation (EC) No. 338/97 are based on the requirements of Articles 36 and 37 of Regulation (EC) No. 1808/2001. These provisions specify details on marking methods for those mammal, bird and reptile species listed in Annex 6 of the Federal Ordinance on Species Conservation. Annex 6 contains, amongst others, all mammals, reptiles and bird species listed on Annex A of EU Regulation No. 338/97, as well as some birds species from Annex B (eg parrots). Any person owning (even if not trading) a species listed on Annex 6 must have it marked. For example, there is a ban on marking of falconry birds with a transponder; this ban applies also to animals that have not yet attained a certain weight (500g for tortoises or 200g for other reptiles). Account is taken of methods of a more animal welfare-oriented nature, such as in particular identification of individuals by photo documentation for reptiles.

Germany's new *Federal Ordinance on Species Conservation* of 25th February 2005, includes a revision of the provisions on marking of wild animals e.g. by extending the marking regulations to additional bird species and by explicitly naming the organisations which are authorized by the federal government to provide the respective marks, labels or transponders. In addition, keepers of animals, especially reptiles, have the right to choose between marking by transponder or identification by photo documentation. Mammals shall be marked with the transponder. Birds taken from the wild shall be marked either with open rings or a transponder.

Registration: Germany has a registry of captive-breeding operations, details of which are available on the CITES website (www.cites.org).

Those who acquire, handle, process or circulate animals or plants of specially protected species for commercial purposes are required to keep records of their actions under the *Federal Ordinance on Species Conservation*. In individual cases, exemptions may be granted by the competent authority provided that adequate monitoring is enabled by other means.

Anyone who keeps vertebrates of specially protected species (which includes species listed in Annex A and B Reg. EC No. 338/97, bird species covered by the EU Birds Directive, species listed in Annex. IV of the Fauna-Flora-Habitats Directive and species listed in Annex 1 of the Federal Ordinance on Species Conservation) is required to notify the competent Bundesländer Authority. This does not include species listed in Annex 5 to the *Federal Ordinance on Species Conservation*, which are usually only found in trade as specimens bred in captivity.

According to the domestic Animal Welfare Act any commercial breeding of vertebrate species requires a prior issuing of permission by the competent Bundesländer Authorities.

Authorised Officers

Authorised enforcement authorities for CITES matters include the Federal Criminal Police Office, Customs Criminal Agency and the Federal Agency for Nature Conservation. Under the *Federal Nature Conservation Act* (2002), Customs and Bundesländer authorities (the latter vary between different Bundesländer,) are allowed to seize and confiscate specimens; the Management Authority is authorised to confiscate specimens as an 'incidental consequence of an offence'. In addition, Police and Customs investigation agencies will have the power to seize specimen as objects of evidence according to the domestic code of criminal procedure.

Sanctions

Administrative offences for infringement of Regulation (EC) No. 338/97 can be punished under the *Federal Nature Conservation Act* (65 para.3) by a fine of up to EUR50,000 while criminal acts related to Regulation (EC) No. 338/97 can be sanctioned by imprisonment of up to five years or a fine. In addition to charges filed by public prosecutors and courts, the Federal Agency for Nature Conservation (BfN) also initiates administrative offence procedures.

National "Wildlife trade/CITES co-ordination" Groups/Committees

Following a decree by the Federal Ministry for Food, Agriculture and Forestry dated 25th August 1977, an advisory committee for the implementation of CITES was set up at the Federal Agency for Food and Forestry. The principle task of this advisory committee is to advise the Federal Agency on the implementation of CITES, particularly in relation to its role as a Scientific Authority. After its dissolution in 1994, a new advisory committee, the "Species Conservation Advisory Committee for Imports and Exports" was set up at the Federal Agency for Nature Conservation in May 1995. Its task is to advise the Federal Agency for Nature Conservation on the implementation of species conservation provisions, and also to advise the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU) on the development of species conservation legislation relating to imports and exports. It is composed of a total of 14 representatives drawn from scientists, nature conservation organisations and representatives from the industry, trade or consumer associations. The advisory committee meets at least once a year (four times in 2003/4). The day-to-day business of this body and its working committees are managed by the Federal Agency for Nature Conservation.

In addition, all aspects on the national trade in wildlife under the provisions of CITES and the EU Regulations are enforced by environmental authorities of the Bundesländer. The Inter-state Working Group on Nature Conservation, Rural Conservation and Recreation (Länderarbeitsgemeinschaft Naturschutz, Landschaftspflege und Erholung (LANA)) is the co-ordination forum for enforcement of trade regulations for all 16 Bundesländer.

Designated Focal Points for Enforcement of CITES

Germany has a nominated CITES liaison officer/focal point, designated at personal-level, within each relevant enforcement authority.

International meetings

EU Enforcement Group

Attended the last EG Meeting (EG10):

Frans Boehmer (M.A.)	Franz.boehmer@bfn.de
Michael Mueller-Boge (M.A.)	Muebom@bfn.de
Thomas Tietz (Customs)	Tietz@zollkriminalamt.de

Also invited to EG Meetings:

Matthias Mueller (Federal Criminal Police Office) matthias.mueller@bka.bund.de
Munzert Elisabeth (Ministry for Environment, Nature Conservation and Nuclear Safety)
Elisabeth.Munzert@bmu.bund.de
Bundesamt für Naturschutz (Federal Agency for Nature Conservation)
PBox-Cites@bfn.de

Interpol Working Group on Wildlife Crime

Matthias Müller (Federal Criminal Police Office) has attended the Interpol Working Group on Wildlife as the Interpol Wiesbaden/Federal Criminal Police Office representative since 1997. At this year's Interpol meeting there was also a representative from the German Customs present.

Other meetings

Germany is one of the members of the Baltic States Task Force on Organised Crime in the Baltic Sea Region and is represented by Lutz Diwell, Secretary of State, Ministry of Interior. Germany has also prepared input and co-operation to the WCO Working Group on CITES issues and the Europol Project Group on CITES matters. German representatives from national police and CITES enforcement authorities took part in the European CITES Group.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

Monitoring and reporting of data on both legal and illegal trade is computerized. Information about seizures and/or confiscations should be reported within the police via the so-called "Kriminalpolizeilicher Meldedienst Umwelt-Artenschutzkriminalität" ("Criminal police report on environmental crime - wildlife crime") or within customs via the "WA - Sofortmeldung" ("CITES-Alert report"). All information on seizures/confiscations at border posts regarding wildlife crimes should be reported to the CITES MA (Federal Agency of Nature Conservation) using a special format.

Judiciary

Germany is not a member of the International Association of Prosecutors. There are no formalised channels of communication between the national CITES authorities and the State Prosecutors Office regarding convictions for wildlife trade infractions.

FURTHER CONTACT DETAILS

Management Authority

Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit
(Ministry for Environment, Nature Conservation and Nuclear Safety)
Division N II 1 "Sustainable Use and Protection of Biological Diversity;
Hunting, Trade and Fisheries"
Robert-Schumann-Platz 3
Postfach 12 06 29
53048 Bonn
Tel: +49 (228) 305 26 33/60 Tx: 885790 bmu d
Fax: +49 (228) 305 26 95
Email: Andreas.vonGadow@bmu.bund.de;
Elisabeth.Munzert@bmu.bund.de
Web: <http://www.bmu.de>

Bundesamt für Naturschutz
Abteilung Z.3
Management Authority to CITES
Konstantinstrasse 110
53179 Bonn
Tel: +49 (228) 8 49 10
Fax: +49 (228) 849 14 70
Email: citesma@bfn.de
Web: <http://www.bfn.de>

GERMANY

Scientific Authority

Bundesamt für Naturschutz (Federal Agency for Nature Conservation)
FG I.1.1 (Fauna) or FG I.1.2 (Flora)
Konstantinstraße 110
53179 Bonn

Fauna:

Tel: +49 (228) 849 11 03 Tx: 885556 bfn d
Fax: +49 (228) 849 11 19; 849 12 00
Email: martensh@bfn.de

Flora:

Tel: +49 (228) 849 11 36 Tx: 885556 bfn d
Fax: +49 (228) 849 11 19; 849 12 00
Email: schippmu@bfn.de

The Bundesamt für Naturschutz is the lead agency for enforcement.
Bundesamt für Naturschutz (Federal Agency for Nature Conservation)
Unit Z 3.3
Konstantinstr. 110
53179 Bonn

Michael Müller-Boge (Senior Enforcement Officer, Head of the Unit)
Tel: +49 (228) 849 14 40
Fax: +49 (228) 849 14 70
Email: Muebom@bfn.de

Franz Böhmer (Senior Enforcement Officer)
Tel: +49 (228) 849 14 49
Fax: +49 (228) 849 14 70
Email: Franz.boehmer@bfn.de

Zollkriminalamt (Customs criminal agency)

Thomas Tietz (Senior Enforcement Officer)
Unit III 3/1
Bergisch Gladbacher Str. 837
51069 Cologne

Tel: +49 (221) 672 41 22
Fax: +49 (221) 672 49 99
Email: Thomas.tietz@zollkriminalamt.de

GERMANY

Bundeskriminalamt (Federal Criminal Police Office)

Matthias Müller (Detective Chief Inspector, OA 35)

65173 Wiesbaden

Tel: +49 (611) 551 58 78

Fax: +49 (611) 551 58 63

Email: Matthias.Mueller@bka.bund.de

Environmental Inspection Service

Umweltbundesamt (Ministry for the Environment)

Bismarckplatz 1

14193 Berlin

Tel: +49 30 8903-0

Government Veterinary Service

Bundesamt für Verbraucherschutz und Lebensmittelsicherheit
(Federal Office for consumer protection and food security)

Rochusstr. 65

53123 Bonn

GREECE

Date of accession to EU: 1981
Date of ratification of CITES: 1993

Country Statistics

Greece has a total area of around 131,940 km², and an estimated population of 10.5 million. The capital is Athens, and the government type is a parliamentary republic. The coastline stretches for 13,676 km, and Greece shares its borders with Albania (282 km), Bulgaria (494 km), Turkey (206 km) and the former Yugoslav Republic of Macedonia (F.Y.R.O.M) (246 km), with a border length of 1,228 km.

Wildlife Trade Legislation

CITES and EC Regulation 338/97 are implemented in Greece through Law 2637/1998 *“Constitution of an organisation of certification of accounts, organisation of payments and control of Community aid of orientation and guarantees, an organisation of certification and supervision of agricultural products, of general directions, and personnel positions in the Ministry of Agriculture and of a company ‘for the utilization of the agricultural land’ SA and other provisions”* and through Law 3208/2003 for the Protection of Forest Ecosystems as well as through other Ministerial Decisions.

CITES Authorities

Law 3208/2003 for the *Protection of Forest ecosystems* provides for the establishment of thirteen (13) district CITES Management Authorities all over Greece, with the main CITES Management Authority in the Ministry of Rural Development and Food (former Ministry of Agriculture) responsible for co-ordinating CITES implementation. All CITES Management Authorities are involved in enforcement duties and issuing permits/certificates for the import and (re)-export, or commercial use of CITES specimens.

Greece has one Scientific Authority composed of five regular members and an equal number of substitutes.

Marking and Registration

There are no requirements yet for marking of live animal specimens listed in Annex A, B, C or D, other than those in accordance with E.U. Reg. 1808/2001 or as required under other Veterinary Law provisions.

Licences are required for the exportation, importation, re-exportation, re-importation, transportation, sale, purchase, advertising, rental, commercial exploitation, competition and generally the holding, marketing keeping, exhibiting, transporting, dispatching and transfer of:

- i) species of wild flora and fauna and samples thereof, whether living or dead and whether processed or not.
- ii) species of wild flora and fauna and samples thereof born and raised and still raised in captivity or artificially produced, processed or not, and species or samples which constitute part of personal or domestic articles.
- iii) species of wild flora and fauna and samples thereof, whether processed or not, which are loaned or exchanged for commercial reasons between recognized scientists and scientific research institutes.

Authorised Officers

The **Forest Service** and the **Customs Authorities** are responsible for the enforcement of CITES in accordance with Law 2637/1998. The enforcement of the Convention at borders is carried out by Customs Authorities and in the interior of the country is carried out primarily by the Forest Service in co-operation, when necessary, with the Police. Customs officers are entitled to undertake necessary investigative actions for violations against the customs law or any other specific law. Law 2960/2001, the Customs Code, provides customs officers with the authority to act against any illegal importation/exportation activities.

The **Government Veterinary Service** is responsible for the supervision of the Border Inspection Posts at the first points of entry of Greece as well as for animal health control, animal welfare and veterinary requirements for trade in animal specimens according to the national and the European Legislation.

Sanctions

Penalties for violation of CITES under Greek Law range from a prison sentence of one month to two years and a fine of 200,000 Greek Drachmas (around EUR 587) and GRD 5,000,000 (around EUR 14,674), depending upon the nature of the offence.

In addition, according to the Greek Customs Code, the penalty for illegal import or transportation is:

- a) 3,000 Euro for wild animal specimens
- b) three times the amount of evaded duties and taxes (at least 1,500 Euro) for specimens or samples of wild fauna and flora

Specimens seized by the forest or customs authorities shall be given to the nearest Forest Service for further procedures. The specimens may be returned, re-exported to their country of origin, disposed of or kept, taken care of and looked after.

National “Wildlife trade/CITES co-ordination” Groups/Committees

There is no established wildlife trade implementation/enforcement co-ordination group for enforcement of domestic provisions in Greece. When a relevant issue emerges all the authorities that are involved meet together. Convening meetings on a periodic basis for the various enforcement authorities is under consideration.

Designated Focal Points for Enforcement of CITES

There are no designated CITES enforcement focal points registered on the CITES website.

International meetings

Meetings of the EU Enforcement Group are attended by the enforcement focal point – Miss V. Barki, 33rd Division of Customs Law Enforcement, Section A. Tel: 0030 210 7224770 Email: d33eltel@otenet.gr

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

There is not yet a national centralised system for reporting seizures and confiscations and there are no standardised formats for reporting on seizures and confiscations.

Judiciary

Greece is not a member of the International Association of Prosecutors. There is communication between the national CITES authorities and the State Prosecutors Office regarding convictions for wildlife trade infractions.

FURTHER CONTACT DETAILS

Management Authority

Ministry of Rural Development and Food
General Directorate for the Development and Protection of Forests
and Natural Environment
Dir. of Aesthetic Forests, National Parks and Game Management
Department of International Conventions
31 Halkokondili Street
GR-101 64 ATHENS
Tel: +30 (210) 524 47 75 (Director);
+30 (210) 524 15 18 (Acting Director);
+30 (210) 524 40 75 (Forest Engineer)
Fax: +30 (210) 524 26 63
Email: daspro1@minagr.gr: For the time being out of order.
A temporary e-mail address is: vitinad@yahoo.gr

Scientific Authority

A Committee of scientists. Correspondence should be addressed to the Management Authority.

HUNGARY

Date of accession to EU: 2004
Date of ratification of CITES: 1985

Country Statistics

Hungary has a total area of around 93,030 km², and an estimated population of 10 million. The capital is Budapest, and the government type is a parliamentary democracy. Hungary is a landlocked country and shares its borders with Austria (366 km), Croatia (329 km), Romania (443 km), Serbia and Montenegro (151 km), Slovakia (677 km), Slovenia (102 km) and Ukraine (103 km), with a total border length of 2,171 km.

Wildlife Trade Legislation

Act No. 32 of 2003 repromulgated the Convention in Hungary. Government Decree No. 271/2002. (XII.20.) on the enforcement of the Convention on International Trade in Endangered Species of Wild Fauna and Flora signed in Washington D. C. on 3 March 1973 lays down the provisions concerning implementation of CITES, gives jurisdiction for seizure and confiscation, and *inter alia* provides for sanctions.

CITES Authorities

In the past few years Hungary's CITES' enforcement has been administratively decentralized. Hungary's CITES Management Authority is the Ministry of Environment and Water, Department of International Treaties on Nature Conservation. Beside this central MA, 12 inspectorates for environment, nature and water, as regional enforcement authorities, are responsible for regional inspections and registration (see below).

Hungary's CITES Scientific Authority is the Ministry of Environment and Water – Office for Nature Conservation.

Marking and Registration

Marking: all registered specimens must be marked and covered by an official document. This document can be a 'breeding certificate' if the specimen was bred in captivity in Hungary, or a so-called 'verification of origin' certificate issued for animals that were brought from outside of Hungary, or an EU certificate.

The new regulation also requires DNA tests for Annex A birds of prey species (except Goshawk) as a proof that the offspring had been bred in captivity.

HUNGARY

Registration: there is a legal obligation to declare and register all vertebrate specimens listed in Annex A of the EU CITES Council Regulation and all live specimens of mammals, birds and tortoises listed in Annex B (with certain exceptions) of the same regulation.

Hungary applies stricter measures relating to keeping and registration of specimens, both for CITES- and non CITES-listed animals listed in Annexes A and B.

Authorised officers

Regional environment, nature and water Inspectorates have been designated as authorities responsible for administrative inspections conducted in the course of enforcement of CITES and EU regulations, registration of CITES specimens and issuance of internal certificates.

Government Decree No. 271/2002 (as amended) appoints *Customs* officers as authorized officers for checking import and export documents and to retain illegal CITES specimens.

According to the Criminal Code (Art. 281), the illegal acquisition, possession, keeping for sale trade or killing of specimens, which are protected and fall under the force of Annex A or Annex B of EC decree No. 338/97, is a criminal offence. Accordingly, the Police are involved in all criminal investigations related to CITES.

Nature Protection Guards (Rangers) of the National Parks: in Hungary rangers have strong powers and are entitled and obliged to take action in case of petty offences or crime concerning species protected by the Nature Conservation Act or International Conventions. In such cases rangers have the power to stop persons or vehicles, to carry out identity checks, to retain illegally acquired natural values and tools, to initiate prosecution, to penalize by fine on the spot, and even to detain a person in case of wildlife crime. They can seize and are responsible for the safe placement of seized (non-live) CITES specimens until the court decision.

There is a **Government Veterinary Service** but so far they have not been involved in the implementation/enforcement of the Convention. There are plans however to involve them more in the near future. For instance, training seminars on CITES and EU Wildlife Trade Regulations to Customs Officers, Border Guards and Border Veterinarians working at the designated CITES border crossing points will be organized in the forthcoming year. One training session is planned to be organized at each designated border crossing point.

Sanctions

According to the Criminal Code, the illegal purchase, possession, sale, import, (re-)export and transport through the territory of Hungary, trade in or killing of specimens of species listed in Annexes A and B of Council Regulation No. 338/97 is a criminal offence, punishable by up to 3 years imprisonment.

Violations of the national CITES regulation and EC Wildlife Trade Regulations are liable to a fine specified in the provisions of a separate law, and the Management Authority may charge for costs incurred with the seizure and confiscation, including the cost of storage and transportation respectively.

Confiscated live specimens are usually placed at rescue centres. The central rescue centre is a separate quarantine station at the Budapest Zoo and Botanical Garden. Other municipal zoos also function as rescue centres if necessary. In case the origin of the specimens is known, the animals are reintroduced to their native habitat. There have been three cases when the CITES MA has repatriated tortoise specimens for re-introduction in Turkey, Greece and Romania.

National “Wildlife trade/CITES co-ordination” Groups/Committees

There is currently no established inter-agency wildlife trade enforcement co-ordination body in Hungary. The CITES Management Authority is the leading and co-ordinating agency regarding CITES implementation and enforcement.

Designated focal points for enforcement of CITES

Contact details for designated CITES enforcement focal points listed on the CITES website are provided at the end of this document.

International meetings

Katalin Rodics, Levente Kőrösi or Anna Práger (CITES MA) attend the meetings of the EU Enforcement Group.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

There is no standardized format for reporting seizures. However, the Management Authority tries to gather information about all CITES related seizures and confiscations and collects them in an electronic (Excel) table.

Judiciary

Hungary is a member of the International Association of Prosecutors. There are no formalized channels of communication between the national CITES authorities and the State Prosecutors Office regarding convictions for wildlife trade infractions, although there is some informal communication between these authorities. All wildlife crime cases (criminal offence only) are dealt with by the State Prosecutions Office, Department of Special and Economical Cases. However the Management Authority is usually not informed of the criminal procedure and the sanction when the criminal procedure is concluded as there is no such obligation according to Hungarian legislation. Moreover, steps have been taken to clarify the relation between criminal and administrative procedure in order to achieve better practice in conducting cases when both legal procedures are involved.

FURTHER CONTACT DETAILS

Ministry of Environment and Water

Department of International Treaties on Nature Conservation

Attn: Dr Katalin Rodics, Deputy Head of Department or

Mr Levente Kőrösi, Chief Councillor

Ms. Anna Práger, Counsellor

Költő u. 21

H-1121 BUDAPEST

Tel: +36 (1) 395 68 57

Fax: +36 (1) 275 45 05

Email: cites@mail.kvvm.hu,

rodics@mail.kvvm.hu

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Hungarian Customs and Finance Guard

Attn: Dr Tibor Kaizinger

Colonel, Head of Department

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HUNGARY

Hungarian Police

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Lieutenant-Colonel
National Police Headquarters
National Office for Investigation
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National Chief Inspectorate for Environment, Nature and Water

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Head of Section
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Inspectorates for Environment, Nature and Water

Észak-dunántúli Környezetvédelmi, Természetvédelmi és Vízügyi Felügyelőség
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H-9002 GYÁR, Pf. 471
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Fax: +36 (96) 32 80 31
Email: eszaktunantuli@zoldhatosag.hu

Nyugat-dunántúli Környezetvédelmi, Természetvédelmi és Vízügyi Felügyelőség
H-9700 SZOMBATHELY, Vörösmarty u.2
H-9701 SZOMBATHELY, Pf. 183
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Fax: +36 (94) 31 32 83
Email: nyugatdunantuli@zoldhatosag.hu

HUNGARY

Közép-dunántúli Környezetvédelmi, Természetvédelmi és Vízügyi Felügyelőség
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Email: kozepdunantuli@zoldhatosag.hu

Dél-dunántúli Környezetvédelmi, Természetvédelmi és Vízügyi Felügyelőség
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H-7601 PÉCS, Pf. 412
Tel: +36 (72) 52 01 00
Fax: +36 (72) 52 01 03
Email: deldunantuli@zoldhatosag.hu

Közép-Duna-völgyi Környezetvédelmi, Természetvédelmi és Vízügyi Felügyelőség
H-1077 BUDAPEST, Nagydíófa utca 10–12
H-1447 BUDAPEST, Pf. 541
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Fax: +36 (1) 478 45 20
Email: kozepdunavolgyi@zoldhatosag.hu

Alsó-Duna-völgyi Környezetvédelmi, Természetvédelmi és Vízügyi Felügyelőség
H-6500 BAJA, Bajcsy Zs.u.10
H-6501 BAJA, Pf.113
Tel: +36 (79) 42 10 10
Fax: +36 (79) 42 11 53
Email: alsodunavolgyi@zoldhatosag.hu

Felső-Tisza-vidéki Környezetvédelmi, Természetvédelmi és Vízügyi Felügyelőség
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H-4401 NYÍREGYHÁZA, Pf. 246
Tel: +36 (42) 59 89 4
Fax: +36 (42) 31 07 13
Email: felsotiszavideki@zoldhatosag.hu

Közép-Tisza-vidéki Környezetvédelmi, Természetvédelmi és Vízügyi Felügyelőség
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H-5001 SZOLNOK, Pf. 25
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Fax: +36 (56) 34 37 68
Email: kozeptiszavideki@zoldhatosag.hu

HUNGARY

Alsó-Tisza-vidéki Környezetvédelmi, Természetvédelmi és Vízügyi Felügyelőség
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Fax: +36 (46) 51 73 99
Email: eszakmagyarorszagizoldhatosag@zoldhatosag.hu

Tiszántúli Környezetvédelmi, Természetvédelmi és Vízügyi Felügyelőség
H-4024 DEBRECEN, Piac u.9/b
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Tel: +36 (52) 51 10 00
Fax: +36 (52) 51 10 40
Email: tizsantuli@zoldhatosag.hu

Körös-vidéki Környezetvédelmi, Természetvédelmi és Vízügyi Felügyelőség
H-5700 GYULA, Megyeháza u.5–7
H-5701 GYULA, Pf.99
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National Park Directorates

Aggteleki Nemzeti Park Igazgatóság
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Email: info.anp@mail.matav.hu
Web: <http://www.anp.hu>

HUNGARY

Balatoni Nemzeti Park Igazgatóság

Attn: Mr Balogh László, Director

H-8229 CSOPAK, Kossuth u.16

Tel: +36 (87) 55 52 65/7

Fax: +36 (87) 55 52 61

Email: bfnp@bnfp.kvvm.hu

Web: <http://www.bfnpi.hu>

Bükk Nemzeti Park Igazgatóság

Attn: Mr Duska József, Director

H-3304 EGER, Sánc u.6

H-3304 EGER, Pf. 9

Tel: +36 (36) 42 27 00; 41 15 81

Fax: +36 (36) 41 27 91

Email: bnpiigazgatosag@axelero.hu

Web: <http://www.bukkinemzetipark.hu>

Duna-Dráva Nemzeti Park Igazgatóság

Attn: Dr Iványi Ildikó, Director

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H-7601 PÉCS, Pf. 46

Tel: +36 (72) 51 72 00; 51 87 37

Fax: +36 (72) 51 72 29

Email: dunadrava@ddnp.kvvm.hu

Web: <http://www.ddnp.hu>

Dunap-Ipoly Nemzeti Park Igazgatóság

Attn: Mr Fűri András mb, Director

H-2509 ESZTERGOM, Strázsa-hegy

H-1021 BUDAPEST, Hűvösvölgyi út 52 (Ü.F.)

Tel: +36 (1) 200 40 33

Fax: +36 (1) 200 11 68

Email: dinpi@dinpi.hu

Web: <http://www.dinpi.hu>

Fertő-Hanság Nemzeti Park Igazgatóság

Attn: Dr Kárpáti László, Director

H-9435 SARRÓD, Rév-Kócsagvár

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Tel: +36 (99) 53 76 20

Fax: +36 (99) 53 76 21

Email: fhnpititkarsag@fhnp.kvvm.hu

Web: <http://www.ferto-hansag.hu>

HUNGARY

Hortobágyi Nemzeti Park Igazgatóság

Attn: Dr Aradi Csaba, Director
H-4002 DEBRECEN, Sumen u.2
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Tel: +36 (52) 52 99 20
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Kiskunsági Nemzeti Park Igazgatóság

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Körös-Maros Nemzeti Park Igazgatóság

Attn: Mr Tirják László, Director H-5541
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Órségi Nemzeti Park Igazgatóság

Attn: Dr Markovics Tibor, Director
H-9941 ÓRISZENTPÉTER, Siska szer 26/a
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Email: orseginp@onp.kvvm.hu
Web: <http://www.orseginpi.hu>

IRELAND

Date of accession to EU: 1973
Date of ratification of CITES: 2002

Country Statistics

Ireland has a total area of around 70,280 km², and an estimated population of 4 million. The capital is Dublin, and the government type is a Republic. The coastline stretches for 1,448 km, and Ireland shares its borders with the UK only, with a border length of 360km.

Wildlife Trade Legislation

Ireland implements CITES through the Wildlife (Amendment) Act (2000) which came into force on 31 July 2001.

CITES Authorities

The Minister for the Environment, Heritage and Local Government is designated as the Management Authority for Ireland under Section 58 of the Wildlife (Amendment) Act, 2000.

Marking and Registration

Marking: Peregrine falcons taken from the wild under licence must be micro-chipped as a condition of the licence.

Registration: Records of captive breeding commercial facilities are not maintained, but visits to breeders of birds of prey may be made by Conservation Rangers in the normal course of their duties.

Wildlife Dealers Licences may be issued under Section 48 of the Wildlife Acts 1976 and 2000. Under Section 46 of the Wildlife Acts, the Minister may by regulations prohibit or control the purchase or sale of any wild bird or wild animal where it is in the interests of conservation of that species. Current regulations under this section apply to native species which would include certain EU-listed species such as birds of prey, otters etc.

Under the current regulations, S.I. No. 8 of 1984 Wildlife Act 1976 (Birds of Prey) Regulations 1984, a licence is required from this Department in order to possess and/or use in falconry birds of prey of the order *Falconiformes*.

Provision is made in Section 41 of the Wildlife Acts 1976 and 2000 whereby the Minister may make regulations regarding the possession and use in falconry of birds of prey of the orders *Accipitriformes*, *Falconiformes* and *Strigiformes*.

Authorised officers

Authorised officers are appointed by the Minister of the Environment, Heritage and Local Government and include *Conservation rangers* from the Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service, as well as the *Gardai* (Ireland's National Police Service). Authorised officers may investigate offences and seize specimens.

Conservation Rangers are authorised persons under Section 72 of the Wildlife Acts. An authorised person with reasonable grounds for suspecting an offence has taken place may stop and search a person who is suspected of being concerned with the offence. An authorised person may enter onto land other than a dwelling, search a vehicle, vessel, aircraft or mechanically-propelled vehicle (mpv). They may seize and detain anything which appears to be something which might be required as evidence in proceedings for an offence under the Act. They may seize and detain any vehicle, vessel, aircraft or mpv which they reasonably suspects of being used in committing an offence under the Wildlife Acts, 1976 and 2000, and which appears to be something which might be required in evidence in proceedings for an offence under the Wildlife Acts, 1976 and 2000. An authorised person requires a search warrant issued by a District Judge in order to enter a dwelling.

Under the Customs Acts, *Customs Officers* of the Office of the Revenue Commissioners have the power to seize items that they suspect have been illegally imported. Under the Wildlife (Amendment) Act (2000), the Customs Act also may be applied to offences committed in relation to species on the CITES Appendices.

Veterinary Inspectors of the Department of Agriculture and Food may inspect animal at border inspection posts.

Sanctions

Penalties for offences in relation to CITES species are provided for under Section 68 of the Wildlife (Amendment) Act, 2000. Only maximum fines and maximum prison terms are specified in the Act. These are:

- a) on summary conviction – a fine not exceeding £1,500 (€1905.00) or imprisonment for a term not exceeding 12 months or to both or
- b) on conviction on indictment – a fine not exceeding £50,000 (€63,487.00) or to imprisonment for a term not exceeding 2 years or to both.

National “Wildlife trade/CITES co-ordination” Groups/Committees

No information available.

Designated focal points for enforcement of CITES

Ireland does not have contacts for designated focal points on the CITES website.

International meetings

Meetings of the Enforcement Group are attended by a member of conservation management who has experience in CITES enforcement.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

There is no national centralised system for reporting seizures and confiscations.

Judiciary

Ireland is a member of the International Association of Prosecutors. Reports and statements from Conservation Staff of the Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service, concerning investigations into alleged breaches of the Wildlife Acts 1976 and 2000 would, in the first instance be referred to the Chief State Solicitors Office for an opinion as to whether or not a prosecution should be taken. Cases may then be forwarded to the local State Solicitor for the area where the offence took place. The outcome of the case would be communicated to the Department in due course.

IRELAND

FURTHER CONTACT DETAILS

Management Authority

National Parks and Wildlife Service
Department of the Environment, Heritage and Local Government
Att: CITES Management Authority
7 Ely Place
DUBLIN 2
Tel: +353 (1) 888 32 12/4
Fax: +353 (1) 888 32 72
Email: acraig@duchas.ie (Director)
Jmulleady@duchas.ie (Administration)
Nkerins@duchas.ie (Administration)

Scientific Authority

National Parks and Wildlife Service
Department of the Environment, Heritage and Local Government
Att: CITES Scientific Authority
7 Ely Place
DUBLIN 2

Fauna

Tel: +353 (1) 888 30 75
Fax: +353 (1) 888 32 78
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Date of accession to EU: 1957
Date of ratification of CITES: 1979

Country Statistics

Italy has a total area of around 301,230 km², and an estimated population of 58 million. The capital is Rome, and the government type is a Republic. The coastline stretches for 7,600 km, and Italy shares its borders with Austria (430 km), France (488 km), Holy See (Vatican City) 3.2 km, San Marino (39 km), Slovenia (232 km) and Switzerland (740 km), with a border length of 1,932 km.

Wildlife Trade Legislation

CITES is implemented in Italy through the Law of 7 February 1992, No. 150: *"Provisions on offences regarding the implementation in Italy of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed in Washington on 7 March 1973, ratified in Law 19 December 1975, No. 874, and Regulation (EEC) No. 3626/82 as amended, and also rules on trade and keeping of live specimens of mammals and reptiles which may endanger public health and security"*, integrated with Law by decree 12 May 1993, No. 2, turned, as amended, to Law 13 March 1993, No. 59, and with Law 9 December 1998, No. 426 and with Law-decree 18 May 2001, No. 275.

CITES Authorities

The Ministry of Environment and Land Protection is the main Management Authority for implementation of CITES and the relevant EU Regulations (Law-decree 6 December 2001). Division V within this Ministry is responsible for CITES and EU regulations implementation and for the co-ordination of Other Management Authorities.

The CITES Service of the State's Forest Corps located within the Ministry of Agricultural and Forestry Policies (henceforth State's Forest Corps) is the authorised competent authority for certification and enforcement of national laws and EU Regulations. Although all the Police bodies in Italy are empowered with authority for seizures, Law 150/92 charges the State's Forest Corps with special authority concerning CITES matters.

Customs are empowered to examine all imports and (re-)exports and to, under Law 150/92 are required to seize and confiscate imports and (re)exports without the required permits or certificates.

The designated Scientific Authority is the CITES Scientific Committee, a Committee with members from universities and other scientific institutions and some NGOs.

Marking of specimens

Marking: since 1st January 1999 Italy has marked Crocodylian (Order Crocodylia) skins destined for re-export, in accordance with Articles 35 and 36 of Reg. (EC)338/97. The State's Forest Corps uses tags, in accordance with Res.Conf 9.22, upon which is written "CITES-CFS-ITALIA" followed by a progressive number. The number must be present also in the certificate accompanying the specimen(s).

Procedures for identifying animals bred in captivity, noted above, also include compilation of a form including marking methods. Exemption is allowed to specimens of species commonly bred in captivity. After the birth in captivity of a CITES Appendix-listed species, the State's Forest Corps inspects the premises of the breeder to verify the presence of markings or to apply them in their absence.

Registration: Decree of the Minister of Environment 8 January 2002 "*Establishment of the register for possession of fauna and flora species*" provides for the setting up of a national register of all live or dead specimens of species of fauna and flora, included in the Annexes A and B of the EU Regulation 338/97 as amended, excluding the specimens of artificially propagated plants. Death and removal from original housing of specimens listed in Annex A must also be registered with the State's Forest Corps.

In November 2002, Italy adopted a simplified "procedure to identify animals and plants specimens originating from captive breeding and artificial propagation, included in the Annexes A and B of the Regulation (EC) 338/97". This procedure is to guarantee that the breeding stock was established in accordance with the provisions of Regulation (EC) 1808/01 and with the provisions of the Law 7 February 1992 No. 150 which states that "*all specimens included in Annexes A and B, captivity born or propagated, have to be declared by the breeder within 10 days from their birth*".

Authorised Officers

The CITES Service of the State's Forest Corps located within the Ministry of Agricultural and Forestry Policies (henceforth State's Forest Corps) is the authorised competent authority for certification and enforcement of national laws and EU Regulations. Although all the Police bodies in Italy are empowered with authority for seizures, Law 150/92 charges the State's Forest Corps with special authority concerning CITES matters.

Customs are empowered to examine all imports and (re-)exports and to, under Law 150/92 are required to seize and confiscate imports and (re)exports without the required permits or certificates.

Sanctions

Sanctions for illegal possession and trade and transit of specimens listed in Annex A, B and C of EU Regulation No. 338/97 are provided under national law, including also sanctions for trade of personal effects and household goods in accordance with Article 16. Law 150/92 determines specific penalties to prosecute infringements to CITES and EC Regulations, giving judiciary power to the State's Forest Corps, which has police status being also a competent Management Authority. Penalties specified under this law range from the lowest scale at EUR 2,000–10,000 to the highest scale of EUR 7,000–75,000 and 3 months to 1 year imprisonment.

Enforcement and Management/Coordination Authorities

No information available.

National "Wildlife trade/CITES co-ordination" Groups/Committees

There is an established wildlife trade enforcement co-ordination group, co-ordinated by the Corpo Forestale dello Stato.

The group meets four times per year and shares information through an electronic list-server.

Designated focal points for enforcement of CITES

The designated focal point for enforcement in Italy, communicated to the CITES Secretariat is as follows:

Ministero delle Politiche Agricole e Forestali
Corpo Forestale dello Stato
Ispettorato Generale
Divisione II – Servizio CITES Centrale
Via G. Carducci, 5
I-00187 ROMA
Tel: +39 (06) 46 65 72 22/8
Fax: +39 (06) 48 90 55 07
Email: cites@corpoforestale.it
Web: <http://www.corpoforestale.it/cites/>

International meetings

Italy attends meetings of the EC CITES Enforcement Group and the Interpol Working Group on Wildlife Crime

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

Since 31/12/2001, the State Forest' Corps Operative Units has recorded CITES infractions in a specific database dedicated to CITES infringements. Data collated include number of seizures, confiscation, fines, value of shipment, number of specimens seized with the indication of the species and common names, Appendix and Annex, origin, provenance, airwaybill and other commercial info, as available.

All data referred to CITES infractions of penal relevance is inserted into the national database (S.D.I.) of the Police Authorities.

Judiciary

Italy is not a member of the International Association of Prosecutors. However, as part of Italy's national CITES Management Authority are from the State prosecutor's office, there are well established channels of communication.

FURTHER CONTACT DETAILS

Management Authority

Ministero dell’Ambiente e della Tutela del Territorio
Direzione Protezione della Natura
Via Capitan Bavastro, 174
I-00154 ROMA

Tel: +39 (06) 57 22 83 64/82; 57 22 85 09

Fax: +39 (06) 57 22 83 25

Email: dpn-cites@minambiente.it

Web: http://www.minambiente.it/Sito/settori_azione/scn/cites/cites.asp

This Ministry does not issue permits or certificates

Management Authorities competent to grant permits

Ministero delle Politiche Agricole e Forestali
Corpo Forestale dello Stato
Ispettorato Generale
Divisione II – Servizio CITES Centrale
Via G. Carducci, 5
I-00187 ROMA

Tel: +39 (06) 46 65 72 22/8

Fax: +39 (06) 48 90 55 07

Email: cites@corpoforestale.it

Web: <http://www.corpoforestale.it/cites/>

For issuance of re-export certificates

- a) Servizi Certificazione CITES – Corpo forestale dello Stato:
Alessandria, Bari, Bologna, Campobasso, Firenze, Forli, Genova, Imperia, Macerata, Milano, Modena, Napoli, Padova, Perugia, Pescara, Potenza, Reggio Calabria, Torino, Trieste, Verona, Vicenza
- b) Servizi Certificazione CITES – Corpi forestali regionali: *Aosta, Bolzano, Cagliari, Palermo*

ITALY

For phytosanitary certificates used for export of artificially propagated plants

Ministero delle Attività Produttive
Direzione Generale per la politica commerciale
e per la gestione del regime degli scambi
Divisione VIII – Settore CITES
Viale America, 341
I-00144 ROMA
Tel: +39 (06) 59 93 26 69; 59 93 25 55; 59 93 22 53
Fax: +39 (06) 59 93 24 64
Email: cites@mincomes.it

Scientific Authority

Ministero dell' Ambiente e della Tutela del Territorio
Direzione Protezione della Natura
Via Capitan Bavastro, 174
I-00154 ROMA
Tel: +39 (06) 57 22 53 23/03
Fax: +39 (06) 57 22 82 70
Email: dpn-comcites@minambiente.it

Date of accession to EU: 2004
Date of ratification of CITES: 1997

Country Statistics

Latvia has a total area of around 64,589 km², and an estimated population of 2.29 million. The capital is Riga and the government type is a parliamentary democracy. The coastline stretches for 531 km, and Latvia shares its borders with Belarus (141 km), Estonia (339 km), Lithuania (453 km) and Russia 217 km, with a total border length of 1,150 km.

Wildlife Trade Legislation

Latvia's CITES legislation was categorised as *Category 2r* in 2004 (believed generally not to meet all the requirements for CITES implementation) under the National Legislation project conducted by the CITES Secretariat.

There are a number of legislative Orders concerning implementation of CITES in Latvia ranging from appointment of CITES Authorities to permit issuance, to keeping of animal species in enclosed spaces, etc. Cabinet of Ministers Regulation Amendment No. 445 of the No. 246 (Adoption: 27 April 2004 Entry into force: 1 May 2004) regulates that inland control is given to the State Environmental Service (known prior to 1 January 2005 as the Environmental State Inspectorate), while border control is maintained by Customs and the Sanitary Border Inspectorate.

The *Administrative Violations Code* (01 July 1985 – amendments Art. 77–78 Art. 79; entry into force 17 July 2003) establishes fines for violation of the *Animal Protection Law* (1999) and for the *Species and Biotope protection law* and penalties for illegal international trade. The Criminal Law (July 1998) also provides sanctions for smuggling and illegal international trade, respectively.

CITES Authorities

The Institute of Biology and the Faculty of Biology of the Latvian University, both under the authority of the Ministry of Education and Science, were appointed, in 1999, as the CITES Scientific Authorities for Latvia. In April 2004, the Natural History Museum of Latvia, under the authority of the Ministry of Environment was appointed as an additional CITES SA under the *Amendment of the Cabinet of Ministers Regulation* No. 133 (2004). This amendment regulation also clarified the role of the Nature Protection Board as the CITES Management Authority; the appointment of the CITES MA previously was specified in the *By-law of Nature Protection Board* (2002). The Nature Protection Board of Latvia is not a department of the Ministry of Environment but a separate institution. Two staff member is employed part time to do the tasks of the MA.

Marking and Registration

Marking: there are no stricter provisions in Latvia than the Eu Wildlife Trade Regulations regarding marking of specimens.

Registration: as of September 2005, legislation regarding registration of commercial breeding facilities, breeders and keeper of Appendix I species is being drafted by the Ministry of Environment.

To date, no tests have been carried out to identify parenthood of captive bred specimens and there is no legal instrument requiring such tests. Nonetheless, the Ministry of Agriculture and the University of Riga are technically equipped to carry out such tests.

Authorised officers

The Nature protection supervision division of the *State Environmental Service* (SES) is responsible for CITES enforcement. The central office of the SES is located in Riga, with 8 regional offices. Two or three inspectors in each office are responsible for CITES enforcement.

State Environmental Inspectors have a wide range of powers which may be exercised across the country including power of entry, arrest (and conveyance to the police), seizure and confiscation, suspension of activities not conducted in compliance with the regulations.

The *National Parks* and the *Biosphere Reserve* also employ State Environmental Inspectors with similar powers.

These powers for State Environmental Inspectors (employed in SES, Administrations of National Parks and Biosphere Reserve) are guaranteed by Law "On Environmental Protection", Art. 44.1–44.2.

State Environmental Inspectors from SES Central Office may exercise their power within all territory of Latvia, Inspectors from SES regional offices – within border of correspondent region, but Inspectors from Administrations of National Parks and Biosphere Reserve – within their territories. Beyond these territories Inspectors power is limited remarkably.

Customs are responsible for the regulation of international trade at the borders.

The **Police** have well-established working relations with the Environmental inspectors, Economic police inspectors and with the Management Authority.

There are divisions within the Economic police who work on environmental issues such as illegal hunting and illegal fishing, but who also co-operate with environmental inspectors when required.

In addition, a specific working group working was established to analyse data on exotic animals. This group co-operates with the Sanitary Inspection as well. Two police officers in each of the 26 regions of Latvia are partly responsible for enforcement of CITES. The Economic police co-ordinate checks and address problems regarding illegal hunting as well, with support provided by the Central Police Office. Means of furthering co-operation between the various enforcement authorities are being explored.

The *Sanitary Border Inspectorate* is responsible for quarantine at Latvia's borders.

The *State Food and Veterinary Service*, in collaboration with the State Environmental Service and the Management Authority are responsible for ensuring that captive breeding facilities are established in accordance with national legislation. In addition, the State Food and Veterinary Service also conducts checks on pet shops.

Sanctions

Sanctions are provided for CITES violations under various laws with penalties ranging from EUR 15.00 to EUR 750 (for private persons) or EUR 9,000 (for corporations) depending upon the nature of the violation and whether the offence is committed by a private person or a corporation. For example, under the *Customs Regulations* presenting customs with false or illegally obtained documents, etc., may result in a fine of up to EUR 9,000 (EUR 375 for a private person) and possible confiscation of the goods.

Under the *Criminal Law* (1998), evasion of customs and/or presentation of false or illegal documentation may also result in imprisonment for up to five years or a fine up to 120 times the minimum monthly salary (min salary in January 2004: EUR 120; total maximum fine EUR 14,400) and possible confiscation of the goods.

National "Wildlife trade/CITES co-ordination" Groups/Committees

Currently, there is no national inter-agency enforcement unit established for CITES enforcement matters. There are, however, plans to improve inter-agency co-ordination, for instance through the establishment of an interagency coordination unit.

Designated focal points for enforcement of CITES

Currently there are no designated international CITES enforcement focal points.

LATVIA

International meetings

Latvia attends meetings of the EC CITES Enforcement Group.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

There is no standardised electronic format for reporting seizures and confiscations. A seminar was held in July 2005 where it was agreed that Customs would provide specific details rather than general information on seizures.

Judiciary

Latvia is not a member of the International Association of Prosecutors.

LATVIA

FURTHER CONTACT DETAILS

Management Authority

Nature Protection Board
Eksporta 5
LV-1010 RIGA
Tel: +371 750 95 41; 750 97 61
Fax: +371 750 95 44
Web: <http://www.dap.gov.lv>

Scientific Authorities

University of Latvia
Institute of Biology
Miera Str. 3
LV-2169 SALASPILS
Tel: +371 294 54 37/8; 294 53 93
Fax: +371 934 54 12

University of Latvia
Faculty of Biology
Kronvalda bulv. 4
LV-1842 RIGA
Tel: +371 732 32 14; 732 55 93; 732 56 69
Fax: +371 783 02 91

Natural History Museum of Latvia
K. Barona Str. 4
LV-1712 RIGA
Tel: +371 735 60 24/8
Fax: +371 735 60 24
Web: <http://cites.ldm.gov.lv>

LITHUANIA

Date of accession to EU: 1 May 2004
Date of ratification of CITES: 9 March 2002

Country Statistics

Lithuania has a total area of around 65,200 km², and an estimated population of 3.5 million. The capital is Vilnius, and the government type is a parliamentary democracy. The coastline stretches for 99 km, and Lithuania shares its borders with Belarus (502 km), Latvia (453 km), Poland (91 km) and Russia (Kaliningrad – 227 km), with a total border length of 1,273 km.

Wildlife Trade Legislation

Lithuania implements CITES through various laws and decrees, including:

Act on the Ratification of The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (No. IX-337; 22/05/2001);

Regulation of Government of Republic of Lithuania on Implementation of The Convention on International Trade in Endangered Species of Wild Fauna and Flora (No. 261; 20/02/2002);

Regulation of Government of Republic of Lithuania on Designated Border Crossing Points for Accomplishing checks and Formalities on Import into and Export from Lithuania of Species Covered by the (EU) Regulation No. 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein and CITES Convention (No. 904; 14/07/2003);

Rules on Trade in Wild Animals (came into force on 21 December 2002; amended on 18 May 2004);

Regulation of Government of Republic of Lithuania on Amendment of Regulation of Government of Republic of Lithuania (No. 261 of 20 February 2002 on Implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (No. 636; 26/05/2004).

A review of Lithuania's nature conservation laws, including CITES implementing legislation, is planned during the PHARE project "Protection of endangered species of flora and fauna and their habitats through implementation of CITES and the Bern and Bonn Conventions and the related EU legislation" (Start date: February 2005; anticipated end date: August 2006). The project will review existing national CITES implementing legislation to identify gaps and amendments required to various national legal acts to allow full implementation of the requirements of CITES and the related EU Regulations.

CITES Authorities

The CITES MA and SA are appointed in accordance with the Governmental Regulation No. 261 "On Implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora" approved on 20/02/2002.

The Ministry of Environment is the lead MA but CITES permits and certificates are issued by the State Environmental Protection Inspection, according to the Governmental Regulation No. 636 "On Amendment of Regulation of Government of Republic of Lithuania No. 261 of 20 February 2002 on Implementation of the Convention on International trade in Endangered Species of Wild Fauna and Flora", approved on 26 May 2004.

There are two Scientific Authorities, the Institute of Botany and the Institute of Ecology of Vilnius University.

Marking and Registration

Marking: although not yet implemented, legislation for marking of specimens is detailed in *Order No. 309 on Marking of Wild Animals*, adopted by the Ministry of Environment, which transposes the requirements for marking of specimens provided for in the Commission regulation (EC) No. 1808/2001 of 30 August, 2001.

Guidelines and recommendations for marking of specimens listed in Annexes A, B and C will be further developed through the Phare project. Currently, stakeholders are developing the list of species which will require marking; approximately 1000 specimens of vertebrate species will be marked. Information will be stored in a database for permits, marking and registration.

Registration: premises where animals including both CITES-listed species and all non CITES-listed specimens taken from the wild must be registered after approval of the conditions for the keeping of animals by the State Environmental Protection Inspectorate. The State Environmental Protection Inspectorate informs the Ministry of Environment (and thus the MA) about all permits issued for keeping of wild animals. Private collections (parts and derivatives) also must be registered after proof of legal origin has been provided. Information will be stored in a database for permits, marking and registration.

There is no legal requirement or plans for such regulations regarding identification of parenthood of specimens bred in captivity for commercial purposes.

Authorised officers

Customs carries out checks at border crossing points and is entitled to make seizures. There are five territorial customs houses at which there is one person dedicated to CITES at the Violation Prevention Division. After EU accession, there was a slight decrease in the number of Customs Officers but many remained and were reorganised into mobile groups. There is also one person responsible for CITES at the Customs Headquarters.

There are 50 *Police* Districts. At each district there is one person responsible for environmental issues (including CITES). According to current legislation (under review) the *Police* and the *State and Regional Environmental Protection Inspectorates* do not have the right to make seizures; they can impose fines only. This has been identified as an important gap in the legislation and steps have been taken to change the present situation. Interpol Lithuania has not been involved in CITES investigations but they do participate in the Inter-Sectoral Phare project co-ordination group on CITES.

The *State Environmental Protection Inspectorate* has eight Regional Departments responsible for a wide range of environmental issues including forestry, fishery, hunting and nature protection (including CITES). They are responsible for handling administrative violations related to CITES and perform checks together with the Police. The State and Regional Environmental Protection Inspectorates report regularly to the Ministry/MA.

Sanctions

There are no special legal provisions in the Republic of Lithuania where penalties only for illegal import, export or trade in species covered by CITES and Council Regulation (EC) No. 338/97 are provided. In all cases concerning violation of the provisions of CITES and the EU Regulations, state officials should observe the articles of the following instruments:

The *Administrative Law Violations Code* (No. X-4449, 13.12.1984) provides detailed guidance on sanctions for a wide range of violations. Penalties range up to EUR 6,392 for violations of the provisions of laws (including CITES), depending on the nature of the offence and whether the person is a repeat offender or a government official, in accordance with the Administrative Law Violations Code (1984). Although prison sentences are not possible under this Administrative Code, confiscation of goods is allowable.

The *Penal Code* (No. VIII-1968, 26.09.2000) also provides for sanctions for smuggling (in general) or other illegal business activity, including illegal activity related to wildlife. Fines can be as high as EUR 9,250 (for smuggling) and/or imprisonment of up to 8 years (for smuggling), and up to four years for illegal activities related to wildlife.

National “Wildlife trade/CITES co-ordination” Groups/Committees

In the framework of the Phare project, an Advisory Group has been established with the participation of the MA, SA, Customs, Interpol, Police, State Food and Veterinary Service, Plant Protection Service, State and Regional Environment Protection Inspections and Phare project team. The Group meets every three months. The first meeting was held in April 2005. The advisory group will function during the project implementation period but there are no plans to keep it working after that.

Designated focal points for enforcement of CITES

Designated focal points for enforcement of CITES detailed on the CITES website are as follows:

Mr Eugenijus Leonavicius
Ministry of Environment of the Republic of Lithuania
Jaksto 4/9
LT-01105 Vilnius
LITHUANIA
Tel: +370 5 266 3550
Fax: +370 5 266 3663
Email: e.leonavicius@am.lt

Mr. Darius Mikelaitis
State Environmental Protection Inspection
A Juozapavičiaus str. 9,
LT-09311 Vilnius,
LITHUANIA,
Tel: +370 5 272 34 22
Fax: +370 5 272 27 66
Email: d.mikelaitis@vaai.am.lt

Ms. Skaistė Pikauskienė
Customs Department,
Jakšto str. 1/25,
LT-01105 Vilnius,
LITHUANIA
Tel: +370 5 266 60 83
Fax: +370 5 266 60 05
Email: skaiste.pikauskiene@cust.lt

LITHUANIA

Ms Jelena Kolesnikova
Chief Executive Officer
Lithuanian Criminal Police Bureau
International Liaison Office
Interpol Vilnius-Sirene-Europol
Tel: +370 5 271 9655
Fax: +370 5 271 9924
Email: jelena.kolesnikova@ilnb.lt

The International Liaison Office takes part in CITES implementation projects in Lithuania.

International meetings

Prior to summer 2005, Lithuania was usually not represented at the EU CITES meetings in Brussels (COM, SRG, EG), but steps have been taken to address this problem.

Lithuania does not yet attend meetings of the Interpol Working Group on Wildlife Crime.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

There is no standardised format and no national centralised system for reporting seizures and confiscations.

Judiciary

Lithuania is a member of the International Association of Prosecutors and formalised channels of communication have been established between the national CITES authorities and the State Prosecutors Office regarding convictions for wildlife trade infractions.

LITHUANIA

FURTHER CONTACT DETAILS

Management Authority

Ministry of Environment of the Republic of Lithuania
Jakšto 4/9
LT-01105 VILNIUS
Tel: +370 (52) 66 36 61
Fax: +370 (52) 66 36 63
Email: info@am.lt

Other Management Authority competent to grant permits or certificates

State Environmental Protection Inspectorate of the Republic of Lithuania
A. Juozapavičiaus 9
LT-09311 VILNIUS
Tel: +370 (52) 75 68 72
Fax: +370 (52) 72 27 66
Email: d.mikelaitis@vaai.am.lt

Scientific Authorities

Institute of Botany
Zaliju ežeru 49
LT-08406 VILNIUS
Tel: +370 (52) 71 16 18
Fax: +370 (52) 72 99 50
Email: botanika@botanika.lt

Institute of Ecology of Vilnius University
Akademijos 2
LT-08412 VILNIUS 21
Tel: +370 (52) 79 92 57
Fax: +370 (52) 79 92 57
Email: ekoi@ekoi.lt

LUXEMBOURG

Date of accession to EU: Founding member (1957)
Date of ratification of CITES: 1983

Country Statistics

Luxembourg is a land-locked country which has a total area of around 2,586 km², and an estimated population of around 0.5 million. The capital is Luxembourg, and the government type is a constitutional monarchy. Luxembourg shares its borders with Belgium (148 km), France (73 km), Germany (138 km), with a total border length of 359 km.

Wildlife Trade Legislation

The following laws implement and enforce the provisions of CITES and the EU Wildlife Trade Regulations:

- The Law of 19 February 1975 approving the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed in Washington on 3 March 1973¹¹, modified by the Law of 21 April 1989, which incorporates the Amendments to CITES made at Bonn (22 June 1979) and Gaborone (30 April 1983) and completes the Law of 19 February 1975¹².
- The Grand-Duchy Regulation of 21 April 1989 approving the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora and executing Community Regulations concerned with the implementation in the Community of this Convention¹³, modified by the Grand-Duchy Regulations of June 20, 1990, of 4 February 1993, of 22 October 1993, of 26 June 1995 and of 31 March 1996.

¹¹ Loi du 19 février 1975 portant approbation de la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction, signée à Washington le 3 mars 1973

¹² Loi du 21 avril 1989

– portant approbation des Amendements de Bonn du 22 juin 1979 et de Gaborone du 30 avril 1983 à la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction, signée à Washington, le 3 mars 1973

– complétant la loi du 19 février 1975 portant approbation de la Convention sur le commerce International des espèces de faune et de flore sauvages menacées d'extinction, signée à Washington le 3 mars 1973

¹³ Règlement grand-ducal du 21 avril 1989 portant

– application de la Convention de Washington sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction;

– exécution des règlements communautaires relatifs à l'application dans la Communauté de cette Convention

LUXEMBOURG

- Grand-Duchy Regulation of 21 April 1989 nominating experts in charge of seeking out violations to the legal measures in terms of international trade in endangered species of wild fauna and flora¹⁴.
- Ministerial Decree of 5 March 2001 nominating the members of the Scientific Committee in the context of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed in Washington on March 3, 1971¹⁵.

CITES Authorities

The Department of Nature Protection, Ministry of Environment, is the designated CITES Management Authority. Permits and certificates for Fauna specimens are granted by the Administration for Veterinary Services, Ministry of Agriculture, Viticulture, Water and Forests.

Permits and certificates for Flora specimens are granted by the Administration of Agricultural Technical Services, Ministry of Agriculture, Viticulture, Water and Forests. The Ministerial Decree of 5 March 2001 appoints the members of the Scientific Committee.

Marking and Registration

Marking: no national legislation specifies that marking is obligatory; the MA decides on a case-by-case basis which marking technique to use by applying directly the EC Regulation and taking into account what is done in other Member States. For turtles and tortoises, photo identification is used and for birds the MA imposes closed rings. For specimens entering Luxembourg from other Member States, any marking that conforms to the standards of that particular Member States is accepted.

Registration: registration is allowed within Luxembourg, but is not compulsory.

¹⁴ Règlement grand-ducal du 21 avril 1989 portant désignation des experts chargés de rechercher les infractions aux dispositions légales ou réglementaires en matière de commerce international des espèces de faune et de flore sauvages menacées d'extinction

¹⁵ Arrêté ministériel du 5 mars 2001 portant nomination des membres du comité scientifique dans le cadre de la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction, signée à Washington le 3 mars 1971

Authorised officers

Customs agents are authorised with powers of seizure. Officers of the Administrations of Water and Forests (Service in charge of Nature Protection and also referred to as the Environmental Inspection Agency), Administration of Agricultural Technical Services (Service in charge of Plant Protection) and the Administration of veterinary Inspection (veterinary-inspectors) are nominated by the Grand Duchy Regulation of 21 April 1989 as experts in charge of finding and taking note of violations of the Law of 21 April 1989. These officers have the power to seize specimens.

Sanctions

Penalties for violations of Regulation (EC) No. 338/97 are set out in Article 12 of the Law of 21 April 1989 and range from eight days to six months imprisonment and/or a fine of EUR62.5 to 25,000 as well as the confiscation of the specimens. In addition, the Law on the Protection of Nature and Natural Resources of 11 August 1982 and the Law Aiming to Protect the Life and Welfare of Animals of 15 March 1983 fixes penalties for violations of laws related to the protection of wild flora and fauna.

National “Wildlife trade/CITES co-ordination” Groups/Committees

There is no formally established wildlife trade enforcement co-ordination group in Luxembourg due to the very small group of persons in charge.

Designated Focal Points for Enforcement of CITES

Luxembourg has designated international CITES enforcement focal points on the CITES website, as follows:

Direction de l'Administration des Douanes et Accises
Attn: M. Daniel Koener
B.P. 1605
L-1016 LUXEMBOURG
Tel: +352 290 19 12 26
Fax: +352 290 19 12 38
Email: daniel.koener@do.etat.lu

LUXEMBOURG

Direction Générale de la Police Grand-Ducale
Attn: M. Bert Detaille
4 rue Fort Wallis
L-2957 LUXEMBOURG
Tel: +352 49 97 23 20
Fax: +352 49 97 23 99
Email: bert.detaille@police.etat.lu

International meetings

An officer of the Administration of Customs (direction de l'Administration des Douanes et Accises) represents Luxembourg at meetings of the Interpol Working Group on Wildlife Crime and at meetings of the EU Enforcement Group. Daniel Koener (Daniel.Koener@do.etat.lu).

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

Luxembourg maintains a national centralised system for reporting seizures and confiscations but does not have standardised formats for reporting on seizures and confiscations due to the low number of seizures.

Judiciary

Luxembourg is not a member of the International Association of Prosecutors. Channels of communication between the national CITES authorities and the State Prosecutors Office are well established and contact is made when necessary by phone or mail; there is no need for formal channels of communication.

FURTHER CONTACT DETAILS

CITES Management Authority

The MAs competent to grant permits are (*)

Département de la protection de la nature (Department of Nature Protection)
Ministère de l'environnement (Ministry of Environment)
18, montée de la Pétrusse
L-2918 Luxembourg
Tel: +352 478 68 24
Fax: +352 40 04 10

LUXEMBOURG

Fauna

Ministry of Agriculture, Viticulture
Administration des services vétérinaires (Administration for Veterinary Services)
Boîte postale 1403
L-1014 LUXEMBOURG
Tel: +352 478 25 40
Tx: 2537 agrim lu
Fax: +352 40 75 45

For mailing by courier use the following address:

211, route d'Esch
L-1471 Luxembourg

Flora

*Ministère de l'agriculture, de la viticulture
Administration des services techniques de l'agriculture
Service de la protection des végétaux
16, route d'Esch
Boîte postale 1904
L-1019 Luxembourg
Tel: +352 45 71 71/2
Tx: 2537 agrim lu
Fax: +352 45 71 72; 45 73 41

CITES Scientific Authority

Ministère de l'environnement
Département de la protection de la nature
Comité scientifique CITES
18, montée de la Pétrusse
L-2918 Luxembourg
Tel: +352 478 68 24
Tx: 2536 minenv lu
Fax: +352 40 04 10

MALTA

Date of accession to EU: 2004
Date of ratification of CITES: 1989

Country Statistics

Malta has a total area of around 316 km², and an estimated population of 400,000. The capital is Valletta and the government type is a republic. The coastline stretches for 196.8 km (not including 56 km for the island of Gozo); Malta comprises an archipelago, with only the three largest islands (Malta, Ghawdex or Gozo, and Kemmuna or Comino) being inhabited.

Wildlife Trade Legislation

The *Trade in Species of Fauna and Flora Regulations, 2004*, issued under the *Environment Protection Act (2002)*, provides for appropriate measures to ensure the imposition of sanctions for infringing the provisions of Council Regulation (EC) No. 338/97, as amended and Commission Regulation (EC) No. 1808/2001.

CITES Authorities

The Environment Protection Directorate, under the Malta Environment and Planning Authority, is the CITES Management Authority for Malta. The Scientific Authority, appointed by the Minister and independent from the Management Authority, consists of a pool of experts including in the fields of botany, ecology and zoology.

Marking and Registration

There is no national legislation that deals with the marking of live animals, but Malta applies the provisions of Article 36 of Commission Regulation (EC) No. 1808/2001 which relates to the marking of specimens. These provisions are binding in their entirety and directly applicable in all the Member States (Article 249 of the Consolidated Version of the Treaty Establishing The European Community).

Authorised officers

Customs, the Police and Environmental Inspectors are appointed as authorised officers. Environmental Inspectors may

- a) enter any premises (other than a dwelling) or board any vehicle or vessel licensed under the Environment Protection Act;
- b) examine any article to which any regulations under the Environment Protection Act (including The Trade in Species of Fauna and Flora Regulations, 2004) may apply and take such samples as it may deem fit for examination;
- c) make plans of any premises, vehicle or vessel and take photographs of the same;
- d) enquire from any person information in connection with any activity or other matter regulated by the Environment Protection Act; and
- e) issuance stop orders to any person not in compliance with the Environment Protection Act or with any regulation made thereunder.

The *Trade in Species of Fauna and Flora Regulations* have the above mentioned rights as well as the power to seize any specimen found in Malta.

Under the *Environment Protection (Preventive and Remedial Measures) Regulations 1994*, the Director shall have the power, personally or through his officers carrying identification attestations signed by the Minister, to inspect any place in Malta, or any vehicle, ship, platform airplane or other craft existing therein or any such vehicle, vessel or aircraft belonging to Malta outside the territorial waters of Malta, to ascertain the levels of protection of the environment as well as to investigate suspected violations of the provisions of the Environment Protection Act or of regulations made thereunder or codes of practice issued under the Environment Protection Act and to secure proof of any such violation.

The lead agency for ***management and co-ordination of CITES-related enforcement*** activities is the Nature Protection Unit of the CITES Management Authority within the Malta Environment and Planning Authority.

Sanctions

Under the *Trade in Species of Fauna and Flora Regulations* (2004), penalties for illegal possession and/or trade of species listed in the CITES Appendices range from a fine of EUR 497 to EUR 4,967 and/or a prison sentence ranging from one month to two years.

National “Wildlife trade/CITES co-ordination” Groups/Committees

There is currently no established committee for co-ordinating enforcement of national wildlife trade provisions in Malta.

Designated focal points for enforcement of CITES

Designated international CITES enforcement focal points are appointed from within the Environment Protection Directorate of the Malta Environment and Planning Authority. They are included on the CITES website, as follows:

- a) Frederick L. Bowman
Senior Environment Inspector
Tel: +356 22 90 33 01
Email: frederick.bowman@mepa.org.mt
- b) Charmaine Barbara
Senior Environment Inspector
Tel: +356 22 90 33 05
Email: charmaine.barbara@mepa.org.mt
- c) Bonnie Farrugia
Senior Environment Inspector
Tel: +356 22 90 33 02
Email: bonnie.farrugia@mepa.org.mt

International meetings

The EU Enforcement Group is attended by Environment Inspectors from within the CITES Management Authority. Malta does not have appointed representatives to attend meetings of the Interpol Working Group on Wildlife Crime.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

There is no centralised national system for reporting seizures and confiscations. However, the Management Authority has an electronic information system which includes data collected from the Police and Customs by Management Authority officials. The system includes only infractions concerning the trade of specimens and data can be accessed and modified only by authorised Management Authority personnel.

Judiciary

Malta is not a member of the International Association of Prosecutors. Presently no formal channels of communication exists between the national CITES authorities and the State Prosecutors Office. However, work is being done to improve the situation.

FURTHER CONTACT DETAILS

Management Authority

Environment Protection Directorate
Malta Environment and Planning Authority
P.O. Box 200
VALLETTA CMR 01
Tel: +356 22 90 33 01/5; 22 90 13 15
Fax: +356 22 90 33 00
Email: charmaine.barbara@mepa.org.mt;
alfred.e.baldacchino@mepa.org.mt

Scientific Authority

Prof. P.J. Schembri
Department of Biology
University of Malta
MSIDA MSD 06
Tel: +356 23 40 27 89 (direct)
Fax: +356 23 40 30 92
Email: patrick.j.schembri@um.edu.mt

THE NETHERLANDS

Date of accession to EU: (Founding member) 1957
Date of ratification of CITES: 1984

Country Statistics

The Netherlands has a total area of around 41,526 km², and an estimated population of 16.5 million. The capital is Amsterdam, although the Hague is the seat of government; the government type is a constitutional monarchy. The coastline stretches for 451 km, and The Netherlands shares its borders with Belgium (450 km) and Germany (577 km), with a total border length of 1,027 km.

Wildlife Trade Legislation

The Flora and Fauna Act and the accompanying General Administrative Orders and Orders in Council came into force on 1 April 2002. This Act incorporates the provisions of the Council Regulation 338/97 and Commission Regulation 1808/2001, as well as the EU Wild Birds Directive and the Habitats Directive.

CITES Authorities

The CITES Management Authority of the Netherlands consists of 3 different sections within the Ministry of Agriculture, Nature and Food Quality: the Permit section (CITES Management Authority of the National Service for the Implementation of Regulations (LASER); the Policy section (Department of Nature); and the section for Phytosanitary certificates (Plant Health Service).

The Scientific Authority is designated by the Minister of Agriculture, Nature Management and Fisheries as required in Article 9a of the Endangered Species Act (Wet BUDEP) and functions since 1986 as the Scientific Authority for the Netherlands. The CITES SA has a committee-structure (and is also referred to as "CITES committee"), and has 9 members with expertise in zoology or botany, nature conservation and animal welfare.

Marking and Registration

Marking: closed footrings of a specific size and markings must be fitted to birds regulated in the EU wildlife trade regulations in accordance with the regulation on issue and characteristics of closed footrings and other marks (*Regeling afgifte en kenmerken gesloten pootringen en ander merktekens (Stcrt.2002,51)*).

THE NETHERLANDS

Registration: traders and private individuals are required to maintain records of possession and trade in accordance with the regulation on the registration of the possession and trade in animal and plant species (*Regeling administratie bezit en handel in beschermde dier- en plantensoorten*).

There is no registration of captive breeding and artificial propagation facilities in The Netherlands, and no inspections of non-registered facilities have been carried out by the Scientific Authority.

Records must be kept by holders of CITES species listed in Appendix A or B in order to prove that animals were born and bred in captivity, and demonstrating how these animals were obtained and the legal origin of the species. However, this does not apply to birds from Appendix B if they have been fitted with a seamless closed footing.

There is an additional procedure required to prove the legal origin of goshawks (*Accipiter gentilis*) born and raised in the Netherlands: DNA profiles must be taken from one parent and its offspring by a veterinary surgeon or an AID Inspector and submitted for these birds so that their origins in relation to one of the parents can be proved.

Authorised officers

The Criminal Procedures Act (*Wetboek Strafvordering*) lays down that the Customs Authorities, the General Inspection Service (AID) of the Ministry of Agriculture, Nature and Food Quality and the Police are responsible for seizures. The Ministry of Justice and the Public Prosecutor have final authority. In the event of breaches, the specimens – living or dead – or products found must always be taken off the market, either voluntarily or by seizure of the goods. The Ministry of Agriculture, Nature and Food Quality is responsible for the disposal of live and dead CITES specimens.

In addition to the Customs Authorities and the General Inspection Service (AID) of the Ministry of Agriculture, Nature and Food Quality, CITES regulations also are enforced by the national police force (including the Central Bureau of Criminal Investigations). The Dutch national and regional police forces are authorised to conduct investigations and seize animals and products traded illegally. In actual practice, investigations and seizure of goods are usually carried out in close co-operation with AID due to police officers' lack of specific knowledge in this field.

Sanctions

The Act on Economic Offences (amended on 31 October 2002) (*Wet op de economische delicten (Stb.1950, K258, laatstelijk gewijzigd bij de wet van 31 oktober 2002, Stb. 542)*) provides for sanctions under criminal law in the event of offences under the Flora and Fauna Act and its Council Regulation. Offences under section 13 of the Flora and Fauna Act are regarded as economic offences. A maximum of 6 years' imprisonment and a maximum fine of EUR 45,000 (private individuals) or EUR 450,000 (businesses) apply for such offences.

The Flora and Fauna Act (amended 24 April 2002) (*Flora-en faunawet (Stb.1998, 402 ; gewijzigd bij wet van 24 april 2002, Stb. 2002,236)*) authorises the Minister of Agriculture, Nature and Food Quality to order plants, animals or their derivatives found in the Netherlands in contravention of the Flora and Fauna Act to be returned to the country of export or origin.

National "Wildlife trade/CITES co-ordination" Groups/Committees

The following bodies participate in the national CITES network: Revenue Office/Customs, CITES MA (permit section), Royal Marechaussee (KMAR), the Ministry of Agriculture, Nature and Food Quality, The Department of Public Prosecution, the National Police Force, IUCN, WWF-TRAFFIC and the General Inspection Service (AID). It is worth noting also that the Dutch Police Force has an Environmental Crimes Unit (UMC).

If necessary, information is relayed through the CITES MA to the CITES Secretariat in Geneva. There are monthly consultations between CITES MA (policy and permit section), AID, Customs and LASER-IBG. There are *ad hoc* operational contacts between the members of the network, but there is no formal consultative structure. *Ad hoc* contacts pertain to operational information.

Designated focal points for enforcement of CITES

The Netherlands does not have designated enforcement focal points listed on the CITES website.

International meetings

Meetings of the EU Enforcement Group are attended by the Police, Customs and the General Inspection Service (AID). Meetings of the Interpol Working Group on Wildlife Crime are attended by Police (Dienst Nationale Recherche Informatie DNRI {service national recherche information}) and AID.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

The Netherlands uses a national automated system *Douane Fraude Bestrijding* (DFB). All recorded breaches must be notified to the Customs Information Centre (DIC) via the DFB system. The system provides an accurate overall picture of the number of seizures, confiscations, fines imposed, value of the shipment as well as corrective results of the conducted controls. These results can be used in risk analyses and to identify trends. Each quarter, the DIC provides LASER with a list of recorded breaches.

LASER passes this information on to the European Commission and the House of Representatives of the States-General, in accordance with its information obligations.

Judiciary

The Netherlands is a member of the International Association of Prosecutors and has well established channels of communication between the CITES authorities and the State Prosecutors Office regarding convictions for wildlife trade infractions.

THE NETHERLANDS

FURTHER CONTACT DETAILS ***(Not including dependent territories)***

Policy section (for all official correspondence, except regarding permits)

Ministry of Agriculture, Nature and Food Quality
Department of Nature
Postbus 20401
NL-2500 EK DEN HAAG
Tel: +31 (70) 378 50 09
Fax: +31 (70) 378 61 46
Email: h.j.eggink@minlnv.nl
Web: <http://www.minlnv.nl/cites>

Permit section (for all correspondence on permit issues)

CITES-bureau
Dienst Regelingen
Burg. de Raadsingel 59
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Email: cites@minlnv.nl

Scientific Authority

CITES-Commissie
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POLAND

Date of accession to EU: 1990
Date of ratification of CITES: 2004

Country Statistics

Poland has a total area of 312,685 km², and an estimated population of 38.6 million. The capital is Warsaw, and the government type is Republic. Poland borders the Baltic Sea, with a coastline stretching for 491 km. Poland shares its borders Belarus (407 km), Czech Republic (658 km), Germany (456 km), Lithuania (91 km), Russia (Kaliningrad Oblast) (206 km), Slovakia (444 km) and the Ukraine 526 km, with a total border length of 2,788 km.

Wildlife Trade Legislation

The *Nature Conservation Act* (2004) is the framework legislation for the implementation of CITES in Poland.

CITES Authorities

The State Nature Conservation Council is the designated CITES Scientific Authority. It has 30 members and is an advisory body of independent experts.

The Management Authority is the Department of Nature Conservation, Ministry of the Environment.

Marking and Registration

Marking: marking is required in Poland in accordance with the EU Wildlife Trade Regulations. **Registration:** registration of all live CITES specimens has been mandatory since May 2002, but, since May 2004, registration concerns only live specimens of amphibians, reptiles, birds and mammals. Registration does not mean legalisation; it is a step to determine which CITES specimens are kept, bred and in what location. Registration is carried out by the local authorities, some of whom have not received CITES training. Records are maintained at the district-level only as there is no central database.

Authorised officers

Customs: There is one central unit within the Ministry of Finance and 16 co-ordinators/trained customs officers in each customs chamber. The central unit responsible for CITES issues and coordination in this field within customs administration is the Non-Tariff Measures and Restrictions Unit in the Customs Policy Department, Ministry of Finance.

Information is relayed from the Ministry of Environment to the Ministry of Finance, thence to the coordinators and the customs chambers. Within each of the customs chambers, there are customs offices. There are 46 customs offices in the whole territory of Poland. Poland has not designated one particular customs office responsible for carrying out the necessary checks and formalities for the introduction into and export from the Community as required under Article 12 of Council Regulation No. 338/97.

CITES specimens seized by customs services constitute evidence in criminal proceedings until the court takes a decision regarding forfeiture of goods. Most specimens are given with the Minister's of Environment approval for teaching and training purposes of customs services.

Police: Since 2003, a good co-operative relationship has been established between the MA and the Police.

According to the Police Act of 6 April 1990 and the Code of Penal Procedure Act of 6 June 1997, the Police are empowered to perform operational-intelligence activities and to conduct investigations in preparatory proceedings in all wildlife crime cases, particularly described in the Nature Conservation Act of 16 April 2004.

The Environmental Crime Unit was established on 20 October 2004 within the Combating Crime Tactic's Bureau of the General Headquarters of Police and is mandated to deal with endangered species of wild fauna and flora. The Unit's main role is to coordinate and monitor field Police units' activities in the area of environmental-wildlife crimes. Additionally, the Unit cooperates with national and international government and non-government organizations and organizes specialist training for Police officers (primary regional coordinators) engaged in combating above mentioned criminal activities.

There are 17 Police Coordinators in each Regional/Voivodeship/Metropolitan Police Headquarters designated to environmental-CITES problems. Those officers coordinate and monitor sub-units in the field of wildlife crimes; cooperate with field government and non-government organizations and organize specialist training for lower level police officers.

Internal control of CITES: The Society of Animal Welfare and Veterinary Inspection is a government agency authorised to inspect conditions for the keeping of live animals. Local administrations also may check pet shops, for example, and such checks may also be undertaken by Customs officers from Mobile Groups.

Another CITES enforcement agency is the State Plant Health and Seed Inspection Service.

Sanctions

Articles 127–131 of the *Nature Conservation Act* concern penalties with respect to penal provisions for violation of CITES and EU regulations regarding the protection of species of wild fauna and flora. Persons who transports plants or animals covered by the above-mentioned provisions and crosses the border without necessary permits or with a false declaration or without a phytosanitary certificate are subject to imprisonment from 3 months to 5 years; persons carrying out economic activities in animal trade or who does not have or does not present proper documentation stating the legal origin of the animal are subject to punishment of imprisonment or fine.

National “Wildlife trade/CITES co-ordination” Groups/Committees

There is currently no formally established wildlife trade enforcement co-ordination group but discussions are on-going for the future establishment of such a group. Anticipated members of this group will be from five agencies: Customs, Police, General Veterinary Inspectorate (Veterinary Inspection), State Plant Health and Seed Inspection Service and the Ministry of the Environment (MA).

Designated focal points for enforcement of CITES

The designated focal point within Poland for enforcement and receipt of enforcement-related information is:

Jolanta Dąbrowska
Departament Ceł
Ministerstwo Finansów
Ul. Świętokrzyska 12
00-916 Warszawa
Tel: +48 22 694 36 81
Fax: +48 22 694 43 03
Email: jolanta.dabrowska@mofnet.gov.pl

International Meetings

Meetings of the EU Enforcement Group are attended by a representative of the CITES MA, the Police (Witold Świercz) and Customs (Jolanta Dąbrowska).

Meetings of the Interpol Working Group on Wildlife Crime and other enforcement related meetings are attended by Police (Witold Świercz) and Customs (Jolanta Dąbrowska).

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

All seizures made by the Customs administration are reported to the central unit in the Ministry of Finance. Customs co-ordinators are obliged to make such reports in standardised format.

Judiciary

Poland is not a member of the International Association of Prosecutors. Currently, there are no formalised channels of communication between the national CITES authorities and the State Prosecutors Office regarding convictions for wildlife trade infractions. However, formalised channels are under consideration.

Further Contacts

CITES Management Authority

Ministry of the Environment
Department of Nature Conservation
Wawelska 52/54
00-922 WARSZAWA
Tel: +48 (22) 579 22 89 (Secretariat)
+48 (22) 579 24 07 (CITES Team)
+48 (22) 579 22 59 (CITES Team)
Fax: +48 (22) 579 25 55
Email: bozena.haczek@mos.gov.pl (Director of Department)
barbara.zbiegieni@mos.gov.pl (CITES Team)
malgorzata.rudzinska-sajdak@mos.gov.pl (CITES Team)
magdalena.mikitiuk-ziolek@mos.gov.pl (CITES Team)
Web: <http://www.mos.gov.pl/cites-ma/>

CITES Scientific Authority

National Council for Nature Conservation
Wawelska 52/54
00-922 WARSZAWA
Tel: +48 (22) 579 26 03 (Secretariat of the Council)
Fax: +48 (22) 579 25 55
Email: maria.derlukiewicz@mos.gov.pl (Secretariat of the Council)

PORTUGAL

Date of accession to EU: 1986
Date of ratification of CITES: 1980

Country Statistics

Portugal (including the Azores and Madeira Island) has a total area of around 92,391 km², and an estimated population of around 10.6 million. The capital is Lisbon, and the government type is a parliamentary democracy. The coastline stretches for 1,793 km, and Portugal shares its borders only with Spain (1,214 km).

Wildlife Trade Legislation

The "Law Decree 50/80 of 23 July 1980 which approves the Convention on International Trade in Endangered Species of Wild Flora and Fauna, signed in Washington in March 1973 for ratification¹⁶" approves CITES for ratification together with its translation into Portuguese. The "Law Decree 114/90 of 5 April 1990 which provides for the application of CITES to the national territory¹⁷" was adopted after Portugal's accession to the EU and provides for the application of EC Regulation No. 3626/82. Although EC Regulation No. 3626/82 was repealed by EC Regulation No. 338/97, the law Decree 114/90 refers to the annexes of Regulation 3626/82 and no new national legal instrument was adopted regarding the newer of the two EC regulations. In practice, however, the national authorities apply directly the most recent EC Regulation.

CITES Authorities

There are two national Management Authorities: the Institute for the Conservation of Nature in Lisbon and in Porto. Additional regional Management Authorities are the National Parc of Madeira and the Regional Directorate of the Environment of the Azores. All Management Authorities are authorised to issue CITES permits and certificates. The Institute for the Conservation of Nature is the national administrative (Management) and Scientific Authority (which acts independently of the Management Authority) in accordance with Art. 27/1 of Decree Law 114/90.

¹⁶ Decreto-Lei 50/80, de 23 de Julho – Aprova a Convenção de Washington.

¹⁷ Decreto-Lei 114/90, de 5 de Abril – Regulamenta a aplicação da Convenção em Portugal

Marking and Registration

No information available.

Authorised officers

Articles 11, 13, 28 and 35 of Decree Law 114/90 give enforcement powers for CITES matters. The Members of the M.A. of the Institute for the Conservation of Nature are authorised to undertake inspection activities and to confiscate animals; the SAs have no power of enforcement. In addition, the Directorate-General for Customs, Directorate-General for Forests, Directorate-General for Economic Information, Public Safety Police and Republican National Guard are authorised to enforce the provisions of CITES in Portugal.

Sanctions

Portuguese law does not classify the infringements to CITES as crimes and therefore they are subject to administrative sanctions but cannot lead to imprisonment or the imposition of any probationary status. Article 32/1 of the Law Decree 114/90 lists activities which are subject to a penalty which ranges from EUR 75 to EUR 2,494 depending upon which EC Regulation Annex the species are listed on.

National “Wildlife trade/CITES co-ordination” Groups/Committees

No information available.

Designated focal points for enforcement of CITES

There are no designated CITES enforcement focal points on the CITES website.

International meetings

The tenth meeting of the EC CITES Enforcement Working Group was attended by:

Joao Loureiro (MA)
Jorge Amado (Environmental Police SEPNA/GNR)

Also invited to EG Meetings:

Frederico Lobo fredericolobo@sapo.pt

Rita Freitas Ferreira rff@reper-portugal.be

Lurdes Maria Carvalho (Information Centre for Nature Conservation) Carvalhol@icn.pt

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

No information available.

Judiciary

Portugal is not a member of the International Association of Prosecutors.

PORTUGAL

FURTHER CONTACT DETAILS

Management Authority

Divisão de Aplicação das Convenções (Division of Implementation of Conventions)

Rua de Santa Marta, 55

P-1150-294 Lisbon

Tel: +351 (21) 350 79 00

Fax: +351 (21) 350 79 86

Web: <http://www.icn.pt>

Direcção Regional de Ambiente (Regional Directorate for the Environment)

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9900-014 Horta

Azores

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Fax: +351 (292) 39 19 81

Centro de Informação de Conservação da Natureza
(Information Centre for Nature Conservation)

Parque Natural da Madeira

Caminho da Portada

São Gonçalo

9050-297 Funchal

Madeira

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Fax: +351 (291) 79 38 03

Scientific Authority

Instituto da Conservação da Natureza (Institute for the Conservation of Nature)

Divisão de Espécies Protegidas

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Fax: +351 (21) 350 79 86

Web: <http://www.icn.pt>

Email: Fauna: carmop@icn.pt (Mr Paulo Carmo)

Flora: fonsecaj@icn.pt (Mr João Paulo Fonseca)

SLOVAKIA

Date of accession to EU: 2004
Date of ratification of CITES: 1993 (as a part of former Czechoslovakia since 28.05.1992)

Country Statistics

Slovakia has a total area of around 48,845 km², and an estimated population of 5.4 million. The capital is Bratislava and the government type is a parliamentary democracy. Slovakia is a landlocked country and shares its borders with Austria (91 km), the Czech Republic (215 km), Hungary (677 km), Poland 444 km and the Ukraine 97 km, with a total border length of 1,524 km.

Wildlife Trade Legislation

The main legislation for the implementation of CITES in Slovakia is *the Act on the protection of species of wild fauna and flora by regulating trade therein (2005) and its implementing regulations Regulation on implementation of some provisions of the act on protection of species of wild fauna and flora by regulating trade therein (2005)*.

This Act details, *inter alia*, the competent authorities (Management and Scientific Authorities) for the administration and implementation of CITES as well as detailing certain stricter measures such as the restriction of the export of native protected species if they are not born and bred in captivity.

CITES Authorities

The CITES Management Authority is the Department of Nature and Landscape Protection, under the Ministry of the Environment of the Slovak Republic.

The Scientific Authority is located within the State Nature Conservancy where 3 full time staff members are employed with an expertise in zoology (2 persons) and botany (1 person).

Marking and Registration

Marking: unambiguous marking of live vertebrates listed in Annex A and B is obligatory in Slovakia. Live specimens of Annex A species (vertebrates) must be marked in the presence of the district office. The type of marking to be used is decided by the district office in consultation with the Scientific Authority; for birds weighing under 100g, veterinarians also are involved; closed rings or microchips are the most common forms of marking. For tortoises whose plastron is smaller than 10 cm no marking is required, but photos of the plastron are required; otherwise microchips are used.

SLOVAKIA

Registration: for live specimens of Annex A, B, C and D, the keepers have to provide the proof of the origin of the specimens, keeping specimen records and mark the specimens unambiguously (vertebrates of Annex A, B), e.g.: rings, microchip, DNA profile. Proof of origin is required in case an Annex B specimen was obtained in another EU Member State.

Marking in Slovakia			
Taxa	Marking technique	Responsibility	Legislation or requirements
Mammals (Annex A)	microchip transponder	district offices	Act on the protection of species of wild fauna and flora by regulating trade therein No. 15/2005, 13, Decree No. 110/2005 of the Ministry of Environment of the Slovak Republic (1 April, 2005) on implementation of some provisions of the Act on protection of Species of Wild Fauna and Flora and on amending and complementing certain acts and Commission Regulation No. 1808/2001, Art. 36
Birds born and kept in captivity (Annex A, B) Birds born in captivity (Annex B)	seamless closed ring	district offices	Act No. 15/2005, 13, Decree No. 110/2005 of the Ministry of the Slovak Republic of 1. April 2005 and Annex A also Commission Regulation No. 1808/2001, Art. 36
Birds born or taken from the wild in captivity (Annex A)	microchip transponder	district offices	Act No. 15/2005, 13, Decree No. 110/2005 of the Ministry of the Slovak Republic of 1. April 2005 and Commission Regulation No. 1808/2001, Art. 36
Reptiles (Annex A, B)	microchip transponder (label, mark, tattoo or other suitable method)	district offices	Act No. 15/2005, 13, Decree No. 110/2005 of the Ministry of the Slovak Republic of 1. April 2005 and Annex A also Commission Regulation No. 1808/2001, Art. 36

Authorised officers

Slovak Environmental Inspection (SEI): Established under the Ministry of Environment, there are four Inspectorates in the Slovak Republic with one person in each Inspectorate dealing with CITES issues and responsible for implementation of CITES Act No. 15/2005, Decree No. 110/2005 as well as EU Wildlife Trade Regulations.

The Inspectorates are responsible for checking breeders, keepers and traders, as well as the marking of specimens and can impose sanctions of up to EUR 24,300 (see next section). The SEI has close co-operation with Customs and the Police and have the right to confiscate specimens. They can enter businesses or premises used for business but do not have the right to search houses; the Police and Customs (who have that right) take them with them as experts.

Customs: The Customs Criminal Office is the investigative body for Customs, established on 1 January 2003 as an independent investigating body. There are eight regional offices in the country and they have jurisdiction over the entire country. There are three designated CITES border crossing stations with special veterinary service and premises where animals can be placed. At each such border crossing station, there is a co-ordinator (not of the Customs Criminal Office) who checks CITES shipments. The majority (around 90%) of co-ordinators have been trained in CITES and species identification. They also have identification manuals (in Slovak language).

Tasks of the Customs Criminal Office include assessing illegal trade (wildlife and other) and developing a system to fight such trade based on the assessment. They have the right to enter businesses and to confiscate specimens. The cases for which the punishment is less than 3 years imprisonment can be fully investigated by this office without the involvement of the Police. The SA is usually consulted for assistance in species identification. Co-operation with the Slovak Environmental Inspectorate (SEI) is good and co-operative relationships with the Police also are well established.

Police: Police involvement in CITES enforcement matters started in 2000. Mainly, they focus attention on serious crime cases which are beyond the powers of the Slovak Environmental Inspectorate. Since 2002, the Police have been involved in several successful joint investigations with the Customs Criminal Office and the Slovak Environmental Inspectorates.

Environment District Office: this state authority is responsible for registration of specimens, under Act 15/2005 and it has the same competencies as SEI regarding controls. There are 46 district offices in the Slovak Republic all of which are supervised by the Ministry of Environment.

Sanctions

Penalties for violation of the *Act on the protection of species of wild fauna and flora by regulating trade therein* (2005) and its implementing regulations (2005) range up to EUR 7,150 for private persons, and to EUR 24,300 for violation of the Act committed by corporations. Violations of the Act may also result in a prison sentence of up to eight years.

National “Wildlife trade/CITES co-ordination” Groups/Committees

An interagency co-ordination body for CITES crimes was established in 2003. Slovak Environmental Inspection, CITES MA, CITES SA, Police and Customs participate. They meet usually once a year.

Designated focal points for enforcement of CITES

There are no designated international CITES enforcement focal points.

International meetings

Representatives of SEI attend meetings of the EU Enforcement Group and of the Interpol Working Group on Wildlife Crime, funding permitting.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

There is a national centralised system for reporting to the CITES MA seizures and confiscations made by Customs and the Environmental Inspectorates, but not by the Police.

Judiciary

Slovakia is a member of the International Association of Prosecutors. However, there are no formalised channels of communication between the national CITES authorities and the State Prosecutors Office regarding convictions for wildlife trade infractions.

SLOVAKIA

FURTHER CONTACT DETAILS

CITES Management Authority

Ministry of the Environment of the Slovak Republic
Department of Nature and Landscape Protection
CITES Management Authority
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Fax: +421 (2) 59 56 22 07
Email: kmecova.dana@enviro.gov.sk
pospisilova.darina@enviro.gov.sk
pukanova.andrea@enviro.gov.sk
slabeyova.katarina@enviro.sk

CITES Scientific Authority

State Nature Conservancy
CITES Scientific Authority
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Email: bartosova@sopsr.sk (zoologist)
matejovicova@sopsr.sk (zoologist)
vrankova@sopsr.sk (botanist)

SLOVENIA

Date of accession to EU: 2004
Date of ratification of CITES: 2000

Country Statistics

Slovenia has a total area of 20,273 km², and an estimated population of around 2 million. The capital is Ljubljana, and the government type is Parliamentary Democratic Republic. Slovenia borders the Adriatic Sea with a coastline stretching for 46.6 km and shares its borders with Austria (330 km), Croatia (670 km), Hungary (102 km) and Italy (232 km), with a total land border length of 1,334 km.

Wildlife Trade Legislation

There are a number of relevant laws regarding implementation of CITES. The framework legislation for the implementation of CITES in Slovenia is the Nature Conservation Act – NCA (2002). NCA stipulates, *inter alia*, the obligation of registration of specimens of large mammals, birds and reptiles, and animal species specified in the ratified international treaties.

The NCA is supported by a number of by-laws, including *The Decree on the course of conduct and protection measures in the trade in animal and plant species* (Official Gazette of RS, No. 52/04). This Decree lays down a detailed course of conduct and protection measures regarding trade in specimens of animal and plant species for the purpose of implementing the European Union's Wildlife Trade Regulations. It also regulates trade in species protected under regulations governing the protection of wild animal and plant species, and the conditions for breeding specimens of wild animal species and artificially propagating specimens of wild plant species. Furthermore the Decree governs the registration of scientists and scientific institutions, the disposal of seized and confiscated specimens, the competencies of CITES authorities (Management, Scientific and Enforcement Authorities) and sanctions.

Other relevant legislation includes the *Order on the living conditions for and care of wild animals kept in captivity* (Official Gazette of RS, No. 90/01). This Order lays down the living conditions and kind of care deemed adequate for keeping animals of wild species in captivity. The *Decree on zoos and similar facilities* (Official Gazette of RS, No. 37/2003) lays down protection rules for the keeping of wild animals in captivity for exhibition to the public. The *Decrees on protected wild plant and animal species* (Official Gazette of RS, No. 46/04) protects the endangered wild species and lays down the course of conduct, special protection regime and protection measures.

CITES Authorities

The Ministry of the Environment and Spatial Planning is the designated CITES Management Authority, in accordance with The *Act on Ratification of CITES* and Decree No. 52/04. The Ministry is responsible for international co-operation and inter-sectoral co-ordination while the Environmental Agency of the Republic of Slovenia, which is the body under the Ministry, is primarily responsible for issuance of documents and processing of seizures. Three full-time staff members work at the Management Authorities.

The Institute for Nature Conservation is the designated Scientific Authority. One full-time staff member, partly financed by the Ministry of Environment, works with a committee of external experts.

Marking and Registration

Marking: the *The Rules on the marking of animals of wild species kept in captivity* (Official Gazette of RS, No. 58/04) lay down which captive animals of wild species have to be marked, the methods of their marking, the types of marks, the supplying of marks, the control of animal marking as well as making obligatory the keeping of records on marking.

Marking is supervised by the Management Authority and Veterinary Administration of Slovenia and is carried out with the use of closed rings or microchip transponders. In certain cases, open rings or other documentation (description - sex, age, weight and length – ID photo, drawing) can be applied as well.

Marking is required for specimens of species:

- listed in Annex A to Council Regulation (EC) No. 338/97
- listed in Annex B to Council Regulation (EC) No. 338/97 which are part of a breeding stock,
- species protected by a national regulation governing the protection of wild animal species
- birds of the genera *Ara* and *Amazona*, and of species *Alisterus amboinensis*, *Aratinga euops*, *Cacatua alba*, *Cacatua ducorps*, *Cacatua galerita*, *Cacatua galerita triton*, *Cacatua leadbeateri*, *Cacatua sanguinea*, *Cacatua sulphurea citrinocristata*, *Callocephalon fimbriatum*, *Calyptorhynchus baudinii*, *Calyptorhynchus funereus*, *Calyptorhynchus banksii*, *Chalcopsitta cardinalis*, *Cyclopsitta diophthalma diophthalma*, *Deroptyus accipitrinus fuscifrons*, *Electus roratus*, *Eos cyanogenia*, *Nestor notabilis*, *Northiella haematogaster naretha*, *Psittacula columboides*, *Psittacula longicauda*, *Psittacula erithaceus*, *Pyrrhura rhodogaster*.

SLOVENIA

There is an electronic database on marking. A new web-based application enables on-line registration of marked specimens by certified veterinarians to ensure that the data about the marked animals and their owners are available to the MA on-line. This database is fully accessible to officials of the Management Authority, while other users (markers and suppliers of marks) have limited access. This database is also intended for keeping record of specimens for which the owners are obliged to notify the Environmental Agency on their obtaining.

The Rules also lay down that young turtles with the flat bottom part of the shell (plastron) shorter than 100 mm that have been bred by breeders having a breeding permit are not to be marked. Animals marked with marks approved by the competent authorities of other countries which are equal to marks specified in the Rules need not to be marked. The Rules also lay down that the animals that are lighter than 200g or have not yet grown to that weight should not be marked.

In case of parrots and lories (order *Psittaciformes*) listed in Annex A of Council Regulation (EC) No. 338/97, birds of prey (order *Falconiformes*) and owls (order *Strigiformes*) a deposit of samples for molecular and genetic analyses is mandatory. Samples are taken when the bird has grown sufficiently to make it impossible to take off its ring.

Marking in Slovenia	
<i>(Regulation on management and methods of protection in trade with animal and plant species)</i>	
<i>(Official journal of the R. Slovenia, 114/2003)</i>	
Taxa	Marking technique
Mammals (Annex A and Annex B parental animals and nationally protected species)	microchip transponder, minimum body weight of 200g before a microchip can safely be inserted (body tissue sample (e.g. fur, hair, blood) should be deposited at the MA)
Birds (Annex A, Annex B parental animals and nationally protected species)	closed ring, microchip transponder, open ring, other documentation (description (sex, age, weight, length) ID photo, drawing)
Birds – Falconiformes, Psittaciformes (Annex A)	closed ring, microchip transponder, open ring, other documentation (description (sex, age, weight, length) ID photo, drawing) (For captive bred specimens also a body tissue sample should be deposited at the MA)
Reptiles (Annex A, Annex B parental animals and nationally protected species)	microchip transponder, other documentation (description (sex, age, weight, length), ID photo, drawing), minimum body weight of 200 g before a microchip can safely be inserted
Reptiles – tortoises (Annex A)	microchip transponder, other documentation (description (sex, age, weight, length) ID photo, drawing), minimum body weight of 200 g or minimum 100 mm length of plastron before a microchip can safely be inserted

SLOVENIA

There is no legislation requiring the identification of parenthood for specimens bred in captivity and DNA analysis is not used for captive-bred specimens. Although not obligatory, it may be used on a case-by-case basis.

Registration: of specimens of large mammals, birds and reptiles and animals of species specified in the ratified international treaties is required under the *Nature Conservation Act* (2002). Whoever intends to keep animals of indigenous or non-indigenous species in captivity with the purpose of public exhibition or breeding must obtain a permit of the Ministry of the Environment and Physical Planning. The central database is held at the Management Authority.

The Decree on the course of conduct and protection measures in the trade in animal and plant species requires that a permit for captive-breeding or artificial propagation shall be obtained prior to the start of any captive-breeding or artificial propagation activities. By obtaining a permit, the commercial breeding facility is at the same time registered by the MA.

In case of Nurseries, commercial artificial propagation facilities for specimens of plant species listed in Annexes B and C and for hybrids of species listed in Annex A to Regulation 338/97 without annotations are required to be registered.

Scientists and scientific institutions in Slovenia also are registered in accordance with the *Decree on the course of conduct and protection measures in the trade in animal and plant species*.

Authorised officers

The **Customs** Administration of Slovenia is responsible for investigating and/or prosecuting illegal import and (re-)export of specimens of CITES-listed species, and empowered to search, confiscate and arrest. A mobile Customs group conducts checks within the country. There is close collaboration between Customs and the CITES MA. The MA has a 24-hour mobile phone service and e-mail address for identification which is aided by the use of digital photographs sent to the MA by Customs.

The Ministry of Interior – **Police**, also are responsible for investigating and/or prosecuting illegal trade in specimens of CITES-listed species and is empowered to investigate imports, (re-)exports, domestic trade violations, as well as to conduct criminal investigations and to search and arrest. In 1999, the Ministry of Interior and the Police drafted an international project for integrating European standards into police academies' curricula on prevention, detection and investigation of crime related to the environment, with a view to improving the effectiveness of the police in this field. Due to the numerous trainings, the Police have a good awareness of CITES.

The **Inspectorate** for Environment and Spatial Planning also is authorised to investigate and/or prosecute illegal domestic trade in specimens of CITES-listed species except timber, freshwater and marine species.

SLOVENIA

The *Veterinary and Phytosanitary Inspection* works with the Customs at border-crossing stations and at the Ljubljana Airport. They mark vertebrates and conduct checks on marking, transport and living conditions of wild animals in captivity.

Sanctions

The *Nature Conservation Act* lays down fines for offences ranging to a maximum of EUR 41,600 for a legal person. A nature protection inspector, warden, police officer or customs officer may impose an on-the-site fine and seize any objects used for, intended for or originating from an offence. Violations of provisions of the NCA related to trade in protected species of wild fauna and flora, commercial use, breeding, acquisition of specimens, keeping in captivity etc. are treated as offences. The NCA prescribes the amounts of fines for such violations. The fines for offences according to Article 161 of the Nature Conservation Act are:

Fine (in EURO)	Imposed on
4,160–41,600	legal person
1,000–20,800	individual
200–2,000	responsible person of a legal entity

The *Decree on the course of conduct and protection measures in the trade in animal and plant species* in its Art. 40 fully transposes the provisions of Art. 16 of Council Regulation (EC) No. 338/97. The fines for offences according to Article 40 of the said Decree are:

Fine (in EURO)	Imposed on
25,000–33,000	legal person
625–16,660	individual
166–1,660	responsible person of a legal entity
83–583	individual
125	individual*

SLOVENIA

The *Penal Code of the Republic of Slovenia* (Official Gazette of RS, No. 40/2004) stipulates imprisonment for up to three years for import or export of an endangered plant or animal species contrary to international law. In exceptional cases, such as a criminal organisation avoiding customs controls while moving goods across the customs line, the perpetrator also may be sentenced to imprisonment of up to five years as well as a fine.

In the case of any of these violations the specimens should be seized and confiscated.

National “Wildlife trade/CITES co-ordination” Groups/Committees

A special inter-sectoral working group for the prevention of illegal wildlife trade was established in 2002. The working group meets when necessary but at least quarterly. The working group consists of permanent members from the Criminal Police Directorate (Interpol), the General Customs Directorate (Investigation) and the Environmental Agency, and is financed by the relevant ministries. The objective of the working group is concerted action in the prevention and control of illegal trade in endangered animal and plant species. The duties of the working group are to collect data and exchange information on illegal activities related to trade in endangered species, to prepare administrative and legislative measures, to organise joint actions aimed at the detection of illegal activities and to offer technical assistance in investigations. The chair of the working group is responsible for co-ordinating the work of the group. For the realisation of certain tasks other officials from relevant ministries may be appointed. The inter-sectoral working group is obliged to report to the relevant ministers on its activities every six months.

Designated focal points for enforcement of CITES

Ministry of the Environment and Spatial Planning

Attn: Robert Bolješič
Undersecretary
Ministry of the Environment and Spatial Planning
Dunajska 48
SI-1000 LJUBLJANA
Tel: +386 (1) 309 45 65
Fax: +386 (1) 309 45 93
Email: robert.boljesic@gov.si

SLOVENIA

Customs Administration of Slovenia

Attn: Simona Kumar
Senior Adviser
Investigation Division
General Customs Directorate
Šmartinska c. 55
SI-1523 LJUBLJANA
Tel: +386 (1) 478 39 43
Fax: +386 (1) 478 39 07
Email: simona.kumar@gov.si

Inspectorate of the Republic of Slovenia for Environment and Spatial Planning

Attn: Tatjana Bernik
Inspector for Environment
Head Office
Dunajska c. 47
SI-1000 LJUBLJANA
Tel: +386 (1) 420 44 81
Fax: +386 (1) 420 44 91
Email: tatjana.bernik@gov.si

Ministry of Interior – Police
Attn: Darinka Kolar Osvald
Criminal Inspector
Criminal Police Directorate
General Police Directorate
Štefanova 2
SI-1501 LJUBLJANA
Tel: +386 (1) 472 53 15
Fax: +386 (1) 472 41 69
Email: darinka.kolar.osvald@policija.si

International meetings

These same enforcement focal points attend the meetings of the EU Enforcement Group, but not the Interpol Working Group on Wildlife Crime.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

There is a centralised system for reporting seizures and confiscations. The MA keeps records of all seizures made by different enforcement agencies. In 2004 the Environmental Agency of Slovenia concluded the project of developing a computerised system which among other enables management of the record of all offences. A direct connection with the statistical programme enables data processing and its graphic presentation.

Judiciary

Slovenia is a member of the International Association of Prosecutors. Channels of communication between the national CITES authorities and the State Prosecutors Office regarding convictions for wildlife trade infractions are formalised by the provisions of the *Act on the Government* (Official Gazette of the Republic of Slovenia).

SLOVENIA

FURTHER CONTACT DETAILS

Management Authorities

Ministry of the Environment and Spatial Planning

Dunajska 48

1000 Ljubljana

SI-1000 LJUBLJANA

Tel: +386 (1) 309 45 65

Fax: +386 (1) 309 45 93

This Authority is responsible for inter-sectoral co-ordination and international co-operation.

Environmental Agency of the Republic of Slovenia

Vojkova 1b

SI-1000 LJUBLJANA

Tel: +386 (1) 280 40 00

Fax: +386 (1) 280 40 25

Email: cites.arso@gov.si

This Authority is responsible for issuance of documents and processing of seizures.

Scientific Authority

Institute of the Republic of Slovenia for Nature Conservation

Dunajska 22

SI-1000 LJUBLJANA

Tel: +386 (1) 230 9500

Fax: +386 (1) 230 9540

SPAIN

Date of accession to EU: 1986
Date of ratification of CITES: 1986

Country Statistics

Spain has a total area of around 504,782 km², and an estimated population of around 40.3 million. The capital is Madrid, and the government type is a federal parliamentary monarchy. The coastline stretches for 4964 km, and Spain shares its borders with Andorra (63.7 km), France (623 km), Gibraltar (1.2 km), Portugal (1,214 km), Morocco (Ceuta) (6.3 km), Morocco (Melilla) (9.6 km), with a total border length of 1,917.8 km. There are 19 autonomous communities including the Balearic Islands and Canary Islands, and three small Spanish possessions off the coast of Morocco - Islas Chafarinas, Penon de Alhucemas, and Penon de Velez de la Gomera.

Wildlife Trade Legislation

CITES and the EC Regulation No. 338/97 are implemented in Spain through the "Royal Decree 1739/1997 of 20 November 1997, on methods of application of CITES and the EC Regulation 338/97 on the protection of wild species of fauna and flora by regulating their trade¹⁸"

CITES Authorities

The "Royal Decree 1739/1997 of 20 November 1997 on Measures to Implement CITES and the EC Council Regulation 338/97" appoints the Management and Scientific Authorities in Spain. Although this Decree appoints the DG Foreign Trade of the Ministry of Economy as the Principal Management Authority, "Royal Decree 1371/2000 of 19 July 2000 modifying and establishing the structure of the Ministry of Economy¹⁹" modified the Ministry of Economy's structure and currently the State Secretary of Commerce and Tourism is the Principal Management Authority and executes its functions through the Centres and Units for Technical Assistance and Inspection of External Trade (CATICE). The CATICES are appointed and authorised to issue permits and certificates through the DG Foreign Trade Resolution of 5 May 1998²⁰. Article 3 of the Royal Decree 1739/1997 also appoints an additional Management Authority, the Department for Customs and Special Taxes of the State Fiscal Agency. The Directorate General for Nature Conservancy (Dirección General de Conservación de la Naturaleza), which is part of the Ministry of the Environment, is the Scientific Authority and in practice it is the Subdirectorate-General for Conservation and Biodiversity which carries out the relevant tasks.

¹⁸ Real decreto 1739/1997, de 20 noviembre, sobre medidas de aplicación del Convenio CITES y del Reglamento CE 338/97 relativo a la protección de especies de la fauna y flora silvestres mediante el control de su comercio.

¹⁹ Real Decreto 1371/2000, de 19 de julio, por el que se modifica y desarrolla la estructura orgánica básica del Ministerio de Economía.

²⁰ Resolución de 5 de mayo de 1998 de la Dirección General de Comercio Exterior.

Marking and Registration

Birds are marked with closed rings or with a microchip when the closed ring is not possible. Other vertebrates are marked with a microchip. For turtles and tortoises as well as other species which require it, the microchip is only inserted once the animal has reached a specified size; for turtles and tortoises which are too small to have a microchip, a photograph of the plastron and carapace are used.

- Marking is required under EC Regulation 338/97 and CITES, and can be done with closed rings, tattoos or microchips. Regional laws detail the means and general conditions of marking.
- Marking requirements are applied to live animals included in Annex A, whether they are captive-bred or animals sourced from the wild.

Authorised Officers

The Penal Procedure Act gives power to the Judicial Police to conduct seizures. The Security Force and Corpses are authorised to carry out seizures by the “Organic Law 2/1986 of 13 March 1986, on Security Forces and Corps²¹”.

All Police Corps are authorised to arrest people or to start an administrative procedure for committing crimes. They are also authorised to carry out seizures or confiscations.

Nevertheless, the SEPRONA is the unit with specific and specialized competences in environmental crimes and CITES. The SEPRONA is devoted to environment and is deployed throughout the country; its competencies are complemented and supported by other units such as Customs.

Sanctions

Under Spanish Law there are two possibilities for considering an offence an act against CITES: one is included in Articles 332 and 334 of the Criminal Code which provide for offences against protected flora and fauna and the other is included in the “Organic Law 12/1995 of 12 December 1995, to Deter Smuggling²²”. According to Articles 332 and 334 of the Criminal Code, sentences vary from six months to two years imprisonment or a (daily) fine from eight to twenty-four months (as a day fine can reach up to EUR300, 5, the maximum fine would be EUR 41,265). Article 3 of the Organic Law 12/1995 provides for a fine which may amount to four times the value of the goods or objects involved. In addition, Article 5 of Royal Decree 1649/1998 states that administrative infringements will be sanctioned with a fine of up to three times the value of the smuggled goods.

²¹ Ley Orgánica 2/1986, de 13 de Marzo, de Fuerzas y Cuerpos de Seguridad.

²² Ley Orgánica 12/1995 de Diciembre, de represión del Contrabando.

National “Wildlife trade/CITES co-ordination” Groups/Committees

International meetings

The last Enforcement Group Meeting (EG10) was attended by Mercedes Lasso (M.A.) and José Manuel Vivas Prada (Environment Police, G.C.). The following are also invited to EG Meetings:

Jose Antonio Sanchez-Arroyo
Maria Angeles Rodriguez Yunta
Mercedes Nunez

josarroyo@gcivil.mir.es
MariaAngelesRodriguezYunta@sscc.mxc.es
mercedes.nunez@sscc.mxc.es

The latest Interpol meeting (2nd and 3rd of June 2005) was attended by Mr. José A. Rodríguez Vázquez. Although he was not part of the working group at the last meetings, he is likely to be part of the next Working Group.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

The Police have a national centralised system, located at the Headquarters of the SEPRONA, for reporting seizures, confiscations, crimes, minor offences, etc

Judiciary

Spain is not a member of the International Association of Prosecutors. Formalised channels of communication exist between the SEPRONA Units and prosecutors/judges during investigations.

SPAIN

FURTHER CONTACT DETAILS

Organised Crime

Guardia Civil Unidad Técnica de Policía Judicial
C/Guzmán el Bueno Nº 110
28003 Madrid SPAIN
Tel: +34 91 514 25 55
Fax: +34 91 514 62 84
Email: utpj-reg@guardiacivil.es

CITES Enforcement Authorities

Jefatura del Servicio de Protección de la Naturaleza (SEPRONA)
(Headquarters of the Service for the Protection of Nature)
Dirección General de la Guardia Civil (General Directorate for the Civil Guard)
c/Batalla del Salado, 32
E-28071 Madrid
Tel: +34 (91) 514 24 20/23
Fax: +34 (91) 514 24 26
Email: dg-seprona-jefatura@guardiacivil.org

Subdirección General de Gestión Aduanera
(General Subdirectorato for Customs Management)
Departamento de Aduanas e Impuestos Especiales
Avda. de Llano Castellanos, 17
E-28071 Madrid
Tel: +34 (91) 728 94 50; 728 98 71
Fax: +34 (91) 358 47 21
Email: gesadu@aeat.es

Management Authority

There are two central MAs(*), and numerous other MAs (Centers and Technical Assistance Units and Inspection of External Trade) throughout the country which are competent to grant permits.

*Ministerio de Industria, Turismo y Comercio (Ministry of Industry, Tourism and Trade)
Secretaría General de Comercio Exterior (General Secretariat of External Trade)
Subdirección General de Inspección, Certificación y Asistencia Técnica del Comercio Exterior (General Subdirectorato for Inspections, Certification and Technical Assistance for External Trade)

Paseo de la Castellana, 162 - 6ª planta

E-28071 Madrid

Tel: +34 (91) 349 39 79

Fax: +34 (91) 349 37 77/40

Email: cites.sccc@mcx.es

Web: http://www.mcx.es/sgcomex/soivre/cites_spain.htm

*Ministerio de Economía y Hacienda (Ministry for Economics and Property)
Departamento de Aduanas e Impuestos Especiales (Department of Special Taxes and Customs)

Avda. de Llano Castellano, 17

E-28071 Madrid

Tel: +34 (91) 728 94 50

Scientific Authority

Ministerio de Medio Ambiente (Ministry of the Environment)
Dirección General para la Biodiversidad (General Directorate for Biodiversity)
Subdirección General de Vida Silvestre (General Subdirectorato for Wildlife)

Gran Vía de San Francisco, 4

E-28071 Madrid

Tel: +34 (91) 596 48 29

Fax: +34 (91) 596 48 71

Web: <http://www.mma.es>

SWEDEN

Date of accession to EU: 1995
Date of ratification of CITES: 1975

Country Statistics

Sweden has a total area of 449,964 km², and an estimated population of 9 million. The capital is Stockholm, and the government type is a constitutional monarchy. The coastline stretches for 3,218 km, and Sweden shares its borders with Finland (614 km) and Norway (1,619 km), with border length of 2,233 km.

Wildlife Trade Legislation

Sweden implements CITES and EU regulations through the Environmental Code 1 *Miljöbalken* (SFS 1998:808) and Statutory Order (1998:179) *Artskyddsförordning* (SFS 1998:179) regarding Protection of Species Regulation. This legislation is supported also by national Acts regarding Transport, Hunting, Fishery and Smuggling. In April 1999 the Swedish EPA issued a regulation on species protection *Naturvårdsverket föreskrifter om artskydd* (1999:7). The provisions of this regulation are related to inspection and follow-up of facilities keeping animals and plants of wild species for commercial activities.

In September 1999, the Swedish Board of Agriculture issued the revised Regulations on Trade and Other Activities Related to Exemplar of Wild Living Species of Animals or Plants Needing Protection *Statens jordbruksverks föreskrifter om handel och andra åtgärder med exemplar av vilt levande djur- och växtarter som behöver skydd* (SJVFS 1999:89). The provisions are related to the import and export of species, e.g.: specification of custom offices, identification of species in connection imports, exports and re-exports and management of confiscated living animals and plants.

The National Police Board considered that legislation in effect was inadequate to control trade in specimens of species listed in the CITES Appendices (Sweden Biennial Report, 2004).

CITES Authorities

The Swedish Board of Agriculture, CITES and Animal Health Division, is the designated CITES Management Authority. There are five staff in the CITES MA, only two of whom are full time. The Swedish Board of Agriculture has undertaken a restructuring of the CITES MA. In connection with the creation of a special authority for animal welfare issues, i.e. the Swedish Animal Welfare Agency ('Djurskyddsmyndigheten') it was decided that the management of CITES questions shall be administered together with certain veterinary health questions in the newly established CITES and Animal Health Division. Both CITES plants and for the time being CITES Arthropoda are currently administered by the Swedish Plant Protection Division.

SWEDEN

Two members of staff within the Swedish Environmental Protection Agency (part-time) and two members of staff within the Swedish Museum of Natural History (when requested) constitute the Swedish CITES SA.

Marking and Registration

Marking: in accordance with Commission Regulation (EC) No. 1808/2001 Article 36, specimens are required to be marked to establish whether they were born and bred in captivity or artificially propagated.

Birds should have leg rings attached within the first 24 hours of birth. Alternatively ISO approved microchips may be used for birds when marking with leg rings is considered inappropriate for physical reasons or when adult birds are marked. All other vertebrates are primarily marked with ISO-standardised microchips, but when considered appropriate the options stated in Article 36 are sometimes used.

Tortoises and turtles are not implanted with microchips when considered too small by veterinarians. Until then the veterinarian assigns them a microchip and their EU certificate states that the microchip must be implanted when the animal's plastron length reaches 100mm, following which a certificate must be sent to the MA by the official person performing the implant.

Registration: captive breeding facilities for Regulation-listed species are not registered in Sweden. There is a legal provision in Sweden for registration of traders in species listed in Annexes A and B to Council Regulation (EC) No. 338/97 (17 Artskyddsförordning).

Sweden does not provide any facilities especially suited for housing of live animals or plants. Their aim is to move any such specimens to a rescue centre immediately. When transportation to a rescue centre cannot be arranged with their own vehicles, a professional transport company is hired for this task. There are two designated rescue centres, in Stockholm and Malmö.

Authorised officers

Customs, the **Coast Guard** and the **Police** authorities are authorised to enforce the provisions of Sweden's legislation.

According to the *Act on Penalties for Smuggling*, searches may be conducted to find CITES-objects or transport means or other objects in connection with smuggling, illegal imports or exports or other criminal activities. If the crime is regulated in the Environmental Code, domiciliary searches must be carried out by police officers after a decision according to the Legal Procedures Code.

SWEDEN

If a person has committed a crime according to the Environmental Code, the person may in urgent circumstances be detained by a police officer. As regards crimes under the Act on Penalties for Smuggling, this power is provided also for the officer at the Customs Service and the Coast Guard.

Police officers may confiscate objects in connection with crimes under the Environmental Code. Also officers at the Customs Service and the Coast Guard have power to confiscate objects, if the crime is regulated under the *Act on Penalties for Smuggling*.

The central function of police enforcement is carried out by the Swedish National Criminal Police. As of 1 January 2000, a specialist unit, the Environment Crime Unit has been established to work with police intelligence related to environmental crime and wildlife crime, including illegal trade in endangered species.

Sweden has 21 *County Administrative Boards* carrying out inspection of facilities/activities related to commercial activities with CITES-species. In case of suspicion of crime the Board leave the case to the Police for further investigation. The Swedish Environmental Protection Agency acts as co-ordination authority.

Sanctions

Regulations concerning seizure and confiscation are stipulated in chapter 29 in the Environmental Code, in §8 point 11 and in §9 point 11. The sanctions range from fines (unspecified) to a maximum sentence of two years imprisonment.

National “Wildlife trade/CITES co-ordination” Groups/Committees

There is no specialised unit responsible for CITES-related enforcement in Sweden.

However, there is the Division for Environmental Crime, established in January 2000, located at the Secretariat of the Office of the Prosecutor-General, and consists of the Director of the Office of the Prosecutor-General, the chief prosecutor and an administrator. This Division has 19 specialist prosecutors devoted to working on environmental crimes, defined as a crime against the Environmental Code and its adherent ordinances and regulations, a crime against the Act (1980:424) on measures against pollution from ships, and its adherent ordinances and regulations, or a hunting crime regarding protected species.

There is an unofficial meeting group “Co-operation Group for Flora and Fauna Criminality”. This group is chaired by TRAFFIC Europe-Sweden/WWF and comprises of representatives from CITES MA and SA, Police and Customs, County Administrative Board, National Animal Welfare Agency, Department of Environment, Swedish Prosecution Authority and the Swedish Coast Guard. The group meets about 4 times per year.

Designated focal points for enforcement of CITES

Designated international CITES enforcement focal points are not provided on the CITES website (as of June 05), but contact points for questions and assistance are provided in the 2004 biennial report and four contact points noted below.

- 1) David Sultan; Swedish Customs Service, Box 12 854, S-112 98 Stockholm, Tel: +46 31 63 35 69, email: david.sultan@tullverket.se
- 2) Henrik Forssblad; National Police Board, PO Box 12256, S-102 26 Stockholm, Tel: +46 18 86 21, email: henrik.forssblad@ uppsala.polisen.se
- 3) Yvonne Lundell; Swedish Environmental Protection Agency- CITES SA, S-106 48 Stockholm, Tel: +46 8 698 1414, email: yvonne.lundell@naturvardsverket.se
- 4) Mats Palm; Special district Prosecutor, Swedish Prosecution Authority, Development Centre of Stockholm/Environment, Box 5553, S-11485 Stockholm, Tel + 46 8 4536651, fax no + 46 8 453 37 10, email: mats.palm@aklagare.se

Confidential information should be sent to:

National Criminal Police/National Criminal Intelligence Service/Environment Crime Unit
PO Box 122 56, S-102 26 Stockholm
Sweden
Tel: + 46 8 401 90 00
Fax: + 46 8 401 37 89
Email: miljobrott@rkp.police.se

Swedish Customs National Communication Center
Box 855, S-981 28 Kiruna
Sweden
Tel: + 46 980 845 50
Fax: + 46 980 820 89
Email: kcf.rsbc@tullverket.se

International meetings

A representative from The National Police Board attends meetings of the EU Enforcement Group.

A representative from the National Criminal Police, Environment Crime Unit, attends meetings of Interpol Working Group on Wildlife Crime.

Co-operative enforcement activities in which Sweden has been involved include, according to the Swedish Coast Guard, participation in the OPC (Operative Committee under Task Force on Organized Crime in the Baltic Sea Areas) Expert Group on Environmental Crime. Representative from National Criminal Police, Environment Crime Unit, participate in Expert Group on Environmental Crime and Working Group on Illegal Trade in Endangered Species. The Swedish Customs Service also take part in the work within OPC. The Police are not part of any international co-operative enforcement activities.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

Currently, enforcement authorities report their own seizures and statistics and there is no central database.

Judiciary

Sweden is a member of the International Association of Prosecutors. Established channels of communication between the national CITES authorities and the State Prosecutors Office regarding convictions for wildlife trade infractions are established through the Division for Environmental Crime.

SWEDEN

FURTHER CONTACT DETAILS

Management Authority

Statens Jordbruksverk
(Swedish Board of Agriculture)
Vallgatan 8
S-551 82 JOENKÖPING
Tel: +46 (36) 15 50 00
Fax: +46 (36) 15 50 05
Web: <http://www.sjv.se>

Ernst Mehnert
Tel: +46 (36) 15 51 45
Fax: +46 (36) 15 50 05
Email: ernst.mehnert@sjv.se

Michael Diemer
Tel: +46 (36) 15 58 59
Fax: +46 (36) 15 50 05
Email: michael.diemer@sjv.se

Scientific Authorities

Naturvårdsverket
(Swedish Environmental Protection Agency)
S-106 48 STOCKHOLM
Mr. Peter Örn
Tel: +46 (8) 698 15 26
Fax: +46 (8) 698 14 02
Email: peter.orn@naturvardsverket.se

Yvonne Lundell
Tel: +46 (8) 698 10 00; 698 14 14
Fax: +46 (8) 698 14 02
Email: yvonne.lundell@naturvardsverket.se

Swedish Museum of Natural History
Frescativägen 44
P.O. Box 50007
S-104 05 STOCKHOLM
Tel: +46 (8) 51 95 41 10;
+46 (708) 66 41 10 (mobile/cellular)
Fax: +46 (8) 51 95 42 12
Email: bo.fernholm@nrm.se

Date of accession to EU: 1973
Date of ratification of CITES: 1976

Country Statistics

The UK has a total area of around 244,820 km², and an estimated population of 60.5 million. The capital is London and the government type is a constitutional monarchy. The coastline stretches for 12,429 km, and the UK shares its borders with one country only: Ireland, with a border of 360 km.

Wildlife Trade Legislation

The EU Wildlife Trade Regulations are enforced within the UK by *the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES)*, and the *Customs and Excise Management Act 1979*. Together the two pieces of legislation create offences and proscribe sanctions for offences listed in Article 16 of Council Regulation (EC) No. 338/97.

CITES Authorities

Her Majesty's Revenue and Customs (HMRC) is responsible for enforcing third country import and export controls at UK ports and airports under the provisions of the *Customs and Excise Management Act (CEMA) 1979*. HMRC have a specialist CITES enforcement team of 8 staff based at Heathrow Airport.

Section 139 of the *Customs and Excise Management Act 1979 (CEMA)* allows anything liable to forfeiture under that Act to be seized by any customs officer or other specified official. CITES offences and penalties are prescribed by Parliament and apply throughout the UK.

The Police are responsible for investigating offences arising from breaches of the sales and movement restrictions imposed by the EC CITES Regulations. There is a national network of Police Wildlife Crime Officers (PWCOs) who investigate wildlife offences. Most UK Police forces have at least one PWCO, many of whom carry out their wildlife duties part-time or on a voluntary basis.

COTES provides powers for Police officers to obtain search warrants to enter premises. Police powers of seizure are set out in other Acts of Parliament, but in general if Police officers are lawfully on premises they can seize anything which is:

- Necessary for the protection of himself or anyone accompanying him; or
- Essential to effect the seizure of the specimen; or
- Necessary for the conservation of evidence; or
- In the interests of the welfare of the specimen.

One of the UK's main entry points for live animals is the Animal Reception Centre at Heathrow Airport, which is also the national focal point for holding live seizures.

The UK also has a number of **enforcement and management coordination authorities**: such bodies in the UK responsible for enforcement and/or implementation of CITES in the UK include *Defra's Wildlife Inspectorate*. These Wildlife Inspectors are authorised to enter premises, including dwellings, to conduct checks on import, export and sale of CITES-listed specimens, but they do not have powers of arrest, seizure or confiscation.

Veterinary Services

The UK has a State Veterinary Service that works alongside Animal Health officers who are responsible for ensuring the UK animal health requirements for imports and exports are met. They are part of Defra.

National Wildlife Crime Intelligence Unit (NWCUI)

The National Wildlife Crime Intelligence Unit was established in 2002 to combat serious and organised wildlife crime. It is housed at the National Criminal Intelligence Service (NCIS) and has the support of the NCIS organisation with over 25 agencies under one roof, including Europol and Interpol. The NWCUI is the national focal point for the collation, analysis and development of strategic assessments on the most serious offenders involved in wildlife crime. It is co-funded by the Defra and the Association of Chief Police Officers. The unit also co-ordinates the activity of relevant agencies and non-governmental organisations, such as HMRC, the Royal Society for the Protection of Birds, the Royal Society for the Prevention of Cruelty to Animals and TRAFFIC.

National wildlife trade enforcement co-ordination

PAW: The UK's Partnership for Action against Wildlife Crime (PAW) supports the enforcement process and raises awareness of the impact and implications of wildlife crime, bringing together the Police, HMRC, and representatives of Government Departments and voluntary bodies, with an interest in wildlife law enforcement. Its main objective is to support the networks of Police Wildlife Crime Officers (PWCO) and Customs Officers. The Steering Group meets 2–3 times each year to co-ordinate the Partnership's activities, and to determine its priorities. PAW currently has eight established Working Groups. These are Scotland, Wales, Forensics, Conference and training, Publicity, Marine wildlife law enforcement, NWCUI, and Legal. PAW appoints a Co-ordinator to lead each Working Group. The Working Groups (WG) consist of specialist representatives invited to participate by the Co-ordinator, and operate within Terms of Reference agreed by the Steering Group on behalf of the Partnership.

Marking and Registration

Marking: since 1 January 2002, captive-bred birds must be marked with a uniquely marked closed ring, or failing that an unalterable microchip transponder confirming to ISO 20 11784:1996 and 11785:1966 (E).

All other animals may be marked with a transponder or ring, band, tag or tattoo or other appropriate method. An exception is made for instances where the physical properties of the specimen is unsuitable, in which case other methods are stipulated.

Registration: traders and persons involved in captive breeding and/or artificial propagation are not required to be registered with the CITES MA.

Sanctions

COTES enables forfeiture of the specimen (or any other thing in respect of which the offence was committed), and may order the forfeiture of any vehicle or other thing used to commit the offence.

The decision on what penalty to impose for criminal offences relating to wildlife trade is at the discretion of the Courts. The Criminal Justice Act 1991 requires magistrates to take into account all the circumstances of an offence.

The maximum penalties are specified by Parliament. Under CEMA the maximum penalty is seven years imprisonment and an unlimited fine. Under COTES the maximum penalty at crown court is five years imprisonment and an unlimited fine, and at magistrates court six months imprisonment and a fine not exceeding £5000.

Designated focal points for enforcement of CITES

The UK has CITES enforcement focal points designated at the agency-level:

Department for Environment, Food and Rural Affairs (Defra)
Enforcement Liaison Team
Zone 1/14, Temple Quay House
2 The Square
Temple Quay
BRISTOL BS1 6EB
Tel: +44 (117) 372 85 65
Fax: +44 (117) 372 83 93
Email: roy.pitt@defra.gsi.gov.uk

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

National Criminal Intelligence Service
National Wildlife Crime Intelligence Unit
P.O. Box 8000
LONDON SE11 5EN
Tel: +44 (207) 238 80 00
Fax: +44 (207) 238 35 06
Email: wildlifecrime@ncis.x.gsi.gov.uk

HM Revenue & Customs
CITES Team
Custom House
Nettleton Road
Heathrow Airport
LONDON TW6 2LA
Tel: +44 (208) 910 38 30
Fax: +44 (208) 910 38 33
Email: citesteam.lhr@hmrc.gsi.gov.uk

International meetings

The UK is represented on the EU Enforcement Group by officers from its CITES MA and from HMRC. It is regularly attended by the same officials.

The UK is represented on the Interpol Working Group on Wildlife Crime by officers from the NWCIU. It is regularly attended by the same officials.

Statistics and Reporting on Wildlife Trade Seizures and Confiscations

There is no standardised electronic format for reporting on seizures and confiscations by enforcement agencies (customs, police, other) in the UK.

HMRC has a centralised system for reporting national annual seizures and confiscations. There is no similar system in the Police or the Management Authority.

Judiciary

England, Wales and Scotland are members of the International Association of Prosecutors.

Customs' prosecutions are carried out by the Revenue and Customs Prosecutions Office. Customs' policy areas work closely with this body. Police prosecutions are carried out by the Crown Prosecution Service.

FURTHER CONTACT DETAILS *(Not including dependent territories)*

Management Authority

Department for Environment, Food and Rural Affairs (Defra)
Global Wildlife Division
1st Floor, Temple Quay House
2 The Square
Temple Quay
BRISTOL BS1 6EB
Tel: +44 (117) 372 80 17
Fax: +44 (117) 372 82 06
Email: cites.ukma@defra.gsi.gov.uk
Web: <http://www.ukcites.gov.uk>

Scientific Authorities

Fauna

Joint Nature Conservation Committee
Monkstone House
City Road
PETERBOROUGH PE1 1JY
Tel: +44 (1733) 86 68 14/70
Fax: +44 (1733) 86 68 55
Email: vin.fleming@jncc.gov.uk; alison.littlewood@jncc.gov.uk
Web: <http://www.jncc.gov.uk>

Flora

Royal Botanic Gardens
Kew
RICHMOND
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