



**TARGETED STAKEHOLDER CONSULTATION ON THE REVISION OF THE EU ACTION PLAN
AGAINST WILDLIFE TRAFFICKING - IFAW BRIEFING**

IFAW warmly welcomes the publication of the European Commission’s consultation for revision of the EU Action Plan against Wildlife Trafficking. Despite some good progress made during the 4 years of implementation, wildlife trafficking still constitutes one of the main threats to the conservation of many species, with profoundly negative impacts also for ecosystems stability, and for the national, regional and global security. Indeed, in 2019, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) warned that a million species are threatened with extinction and one of the main drivers is direct exploitation. It called for ‘transformative changes’ to restore and protect nature.¹

A new EU Action Plan (hereinafter referred to as the AP), building on the achievements of the previous one and addressing the shortcomings identified by its ongoing evaluation, is then urgently needed. In addition, the current pandemic caused by SARS-CoV-2 highlights the critical connection between the health of nature and human health. This connection must be reflected in the new AP, according to the One Health approach and through strong cross-sectorial policies, vigorous enforcement and meaningful penalties, which stigmatize wildlife consumption, thus supporting demand reduction efforts.

IFAW believes that the revised AP should provide the necessary political and policy framework, as well as accountability, to allow the EU to play a vital role in global efforts to effectively tackle wildlife crime, in line with the commitments taken under the EU Biodiversity Strategy to 2030, the Europol’s Serious and Organised Crime Threat Assessment (SOCTA), and the European Multidisciplinary Platform Against Criminal Threats (EMPACT).

This briefing presents IFAW’s recommendations for the revised AP, based on our experience with the implementation of the previous AP and through a range of experts and stakeholders we interviewed across the EU institutions, civil society, and Member States during the last 4 years. This document is submitted as part of IFAW contribution to the EC Targeted Experts Survey for the EU Action Plan against Wildlife Trafficking Evaluation.

¹[IPBES \(2019\). Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. E. S. Brondizio, J. Settele, S. Díaz, and H. T. Ngo \(editors\). IPBES secretariat, Bonn, Germany.](#)

1. Fighting wildlife cybercrime

Historically, the sale of illegal wildlife occurred in traditional markets, but since the growth of the internet, there is compelling evidence that wildlife traffickers are going online to reach a vast virtual marketplace, making wildlife crime a form of cyber-enabled crime. The previous AP contributed to boost awareness and capacity building of relevant experts to tackle cybercrime, but the EU and MS capacity to tackle the problem has been limited, and online trade continues to pose a serious threat to the conservation of many species. In February 2019, IFAW joined forces with INTERPOL, the Belgian Customs and WWF, with in-kind support from TRAFFIC, to combat wildlife cybercrime as part of the Wildlife Cybercrime project (funded by the European Union's Internal Security Fund). In May 2021, IFAW and the other project's partners organized an online multi-stakeholder workshop with over 140 representatives from the public and private sector to discuss best practice models currently used by law enforcers and online platforms to cooperate in detecting and disrupting wildlife cybercrime. A key outcome of the meeting was an agreement on **the need for this issue to have a high priority on the political agenda and the ongoing requirement for and value in collaboration between different stakeholders to disrupt wildlife related online and parcel crime.**

The revised AP should continue to put emphasis on the online trade, through communication, cooperation and coordination across the involved public and private sectors, and **ensuring that wildlife cybercrime is given the same level of priority as other cybercrimes that threaten human health, the economy, security and education.** According to the provisions of the new Digital Services Act, **specific EU Guidance should be adopted to tackle wildlife cybercrime, then ensuring harmonised policies in MS and the collaboration between all relevant stakeholders.**

As part of our work with the [Coalition to End Wildlife Trafficking Online](#), launched by IFAW in 2018 together with WWF, TRAFFIC and 21 of the world's leading tech companies, we train Cyber Spotters on how to identify endangered species and derived products in listings on various e-commerce and social media platforms. Cyber Spotters report any suspicious content they find online directly to Coalition experts for review. The Coalition partners then share that information with the companies, whose enforcement teams will remove the listings in real time. In the first three years, more than four million listings of endangered or threatened species and associated products were removed or blocked from their platforms. **This kind of collaboration should be established in all MS and with all the platforms operating in the EU.** In addition, **the EC and MS should increase capacity and resources to tackle wildlife cybercrime and support the development of technological solutions aiming at tackling it.**

Importantly, legally binding mechanisms should be put in place to facilitate the identification of the legality of wildlife listings, by requiring that traders declare the legal status of the animal or product that they are offering for sale, identifying the source of live animals, providing

supporting documentation (i.e., CITES permit/permit number), sharing the marker and breeder details for live specimens and disclosing the health and welfare requirements for live species traded. Finally, the AP should ensure that **wildlife cybercrime is adequately addressed at key international forums such as CITES, UNTOC and the IUCN**. Specifically, CITES Decisions 18.81-18.85 on Wildlife Crime linked to the Internet should be effectively and fully implemented. The AP should call on MS to make full use of the [Interpol Wildlife Crime Linked to the Internet - Practical Guidelines for Law Enforcement Practitioners](#) (developed to implement the relevant provisions of CITES Decision 17.93, paragraph d).

2. Stepping up the prevention of illegal and detrimental trade in wildlife products and species

The AP must address the growing demand for and availability of wildlife products by **implementing evidence based demand reduction initiatives in key consumer countries, including within the EU**. This includes support for initiatives by local and international organisations with on-the-ground expertise, that work in priority countries, including within the EU, on awareness raising and those interventions that go beyond awareness-raising and have a measurable impact on changing consumer behavior. The AP should **encourage and support research into behaviour change in key consumer markets** for the most in demand wildlife products, to ensure the most effective demand reduction initiatives are implemented.

Demand reduction efforts should be accompanied by **stricter regulation of the legal trade in wildlife within the EU**, closing loopholes in the existing legislation and applying a precautionary approach. COVID-19 highlighted the critical connection between the health of nature and human health. This connection must be better reflected in all EU priorities, policies and actions, including in the revised AP. The EU trade in terrestrial wild animals needs to operate from a starting point where trade is prohibited, subject to limited exceptions that safeguard biodiversity, public health and safety, animal health and welfare, **comply with all national and international laws in source, transit and consumer nations**, and which can be effectively regulated and enforced. By **enacting precautionary measures to end or stringently regulate transporting, handling and marketing of wild animals for human consumption and other uses, like the exotic pet trade, the EU would adhere to the One Health approach**. For instance, the exotic pet trade should be regulated through the adoption of **an EU Positive List of allowed species**.

An analysis of the CITES Trade Database shows that loopholes in the EU Wildlife Trade legislation allow also for import permits for **Annex B animal species** to be provided by EU CITES authorities for species that have never been legally exported from their area of natural distribution. This often involves trustworthy transit countries that issue permits for export to the EU based on the export permits of countries where the whitewashing occurred. **Adequate research on these practices is necessary, as well as immediate action to prevent them through regular control of the legality of species having entered international trade**. The EU should **harmonize the**

conditions for intracommunity trade in Annex B species by requiring all Member States to introduce an EU transfer document based on the Annex to document 2019/C 107/02 for all transfers, making it obligatory to clearly mention the origin of Annex B animals and, when it concerns animals bred in the EU, their breeder and breeding stock.

In source countries, the AP should ensure that the EU support to fighting wildlife crime is fully integrated into its wider development policy, with funded initiatives into the promotion of alternative livelihoods, the effective management of protected areas, improved governance at all levels and ensuring local communities benefit from wider conservation effects.

3. Combat ivory trade

IFAW broadly supports the Commission's amendments to Regulation 865/2006 and the revised guidance document on the EU regime governing trade in ivory that will be adopted by the end of the year. However, some gaps remain, as the trade restrictions on worked ivory are only partially addressed in Commission Regulation 865/2006 (with the rest being in the guidance document), and those on raw ivory are currently only included in the guidance document. **The EC should strictly monitor the MS implementation of the ivory Guidance and promptly amend it and the Regulation 865/2006 if needed.** This may include the adoption of a *de minimis* provision further restricting the issuance of certificates for antique ivory.

In addition, since 2015 IFAW France has been collecting and destroying ivory objects that people can no longer legally sell or that they wish to permanently remove from any possible present or future trade. The past 14 months have seen an exponential increase in the amount of ivory we have received. While the French CITES Management authority has been informed of the ivory collection and enforcement authorities have been involved in some of the crushing operations, State authorities are reluctant to directly manage the public surrender of ivory. However, the value of the ivory presents a significant security risk for IFAW and there is a cost to storing and crushing it. One can assume that after the adoption of the new EU rules on ivory trade, the flow will continue or even increase and other Member States will be faced with the same problem. The EU Action Plan **should urge Member States to identify and set-up an appropriate long-term system for the public to surrender ivory to be destroyed which doesn't involve relying on NGOs.** The system set-up in the Netherlands to surrender all types of wildlife products including ivory could be used as a model.

4. Improved and harmonised identification and care of confiscated/seized wild live animals

Objective 2.2 of the 2016 AP aimed to increase the capacity to combat wildlife trafficking through, among other actions, the improved care of seized or confiscated live animals or plants. However, the EC progress report acknowledges that this remains a challenge for many Member States. The

revised AP should improve the current level of reporting on wildlife crime and seized or confiscated live animals. **Consistent and transparent reporting on all seized or confiscated live animals to CITES, Europol and the countries of origin** would better ensure trends in illegal trade of live animals are fully analysed and would provide crucial information for the creation of non-detriment findings that reflect the true harvesting of wildlife from a country, and help develop the capacity of law enforcement agencies and other stakeholders mobilised in the event of live seizures or confiscations. The judicial procedures also must step up to ensure efficiency and that live animals are placed in adequate centres as soon as possible, with the adequate funding provided. Repatriation procedures should be prioritised where at all possible.

The establishment of a network of rescue facilities and sanctuaries and national action plans for the management of confiscated animals would help ensuring prompt and humane placement of seized or confiscated animals in specialised centres. Finally, **financing for capacity development and training of law enforcement agencies on this specific issue as well as for animal placement facilities should be incorporated into wildlife trafficking budgets**. EU Member States should refer to recent best practices ([IUCN Guidelines for the management of confiscated, live organisms](#)) and fully implement the relevant CITES Resolutions on the disposal of confiscated specimens.

5. Aligning EU policies

Opportunities to strengthen the AP connections with other EU policies, planning processes, and international commitments should be pursued. The 2016 AP already mentioned the review of **Directive 2008/99/EC** (the ‘Environmental Crime Directive’) and in October 2019, the Commission launched a consultation to evaluate the Directive, which aimed at assessing its effectiveness in the context of wildlife crime with a clear link to the AP. The Directive is an insufficient instrument for combating the scale of environmental crime – including wildlife and waste crime and trafficking, illegal logging, emissions and mining. In order to produce the deterrent effect of criminal law and to avoid safe havens, it is crucial to have quality regulation, qualified enforcement officials, a (high) level of probability that offenses will be sanctioned, sufficient severity of sanction in the law and effective, proportionate and dissuasive sanctions pronounced in practice to deter possible perpetrators. Currently there are huge disparities in the level of efficiency of prosecution of environmental crimes in different MS which results in low risk for perpetrators of being sanctioned. This needs to be addressed in the revised Directive under preparation.

Environmental crime has remained a priority crime area under the **European Multidisciplinary Platform Against Criminal Threats (EMPACT)**, an EU security initiative designed to address threats posed by organised and serious international crime. The AP should align with this

initiative to ensure data and intelligence on wildlife crime are funneled into the partners implementing EMPACT operations.

The **EU Green Deal** represents a first good step towards the direction the Union should take in the next ten years in order to fight climate change and biodiversity loss, by fully integrating the AP in the **2030 Biodiversity Strategy**. As the EU adopts commitments at **the CBD CoP15**, it should ensure the connection to wildlife trafficking is recognized by allocating adequate funding to post-2020 targets and the AP implementation.

The Commission is developing the **Digital Services Act** to upgrade liability, and safety rules for digital platforms, services and products. This is an opportune moment to address wildlife cybercrime occurring on platforms, also through the adoption of dedicated EU Code of Conducts and Guidance.

Finally, wildlife trafficking has to be far better addressed in the **EU public health and food safety policies**. The COVID-19 pandemic is a direct consequence of uncontrolled and unchecked wildlife trade and has devastating consequences in all layers of our global community. However, legal and illegal live wild animal specimens for the pet markets and illegal fresh bush meat continue to enter the EU on a massive scale. In order to truly implement the One Health approach promoted in the EU Biodiversity Strategy to 2030, the revised AP should see the involvement and integration of all relevant Commission Units and Directorates General.

6. Adequate funding for the AP implementation

The **allocation of appropriate financial resources** - from both the EU budget and national Member State budgets - is essential for the effective implementation of the new AP. While at the EU level financial mechanisms are increasingly mobilised across DG ENV, DEVCO, and even HOME, to help tackle wildlife crime also in third countries, several of the ambitious actions in the 2016 AP have been jeopardized by the lack of a dedicated budget, particularly at national level. We believe that a lot could be accomplished even with limited budgets, and not only through better coordination and training of national authorities, but by engaging the civil society and the private sector to join discussions and planning. Also, most Member States did not set up strong strategies to implement the Action Plan and improve compliance with EU wildlife legislation. **The Commission should call on and support each Member State to set up national plans for the implementation of the AP**, involving the local private sector and civil society, and aligning all national stakeholders with common objectives.

Human resources are also an important issue. The European Parliament's Resolution of 24th November 2016 on the EU Action Plan against Wildlife Trafficking explicitly urged the Commission to **"establish a dedicated Wildlife Trafficking Coordinator's office**, mirroring the model used to fight human trafficking, in order to ensure a joined-up effort by different Commission services

and the Member States.” The establishment of such a position would greatly support the effective implementation of the AP ensuring coordination across the relevant DGs.

Finally, we note with growing concern the prolonged failure to fill the post of Scientific Officer/Chair of the Scientific Review Group in DG Environment. This post is crucial for the implementation of the EU obligations under CITES, and of the European Wildlife Trade Regulations. The responsibilities of this post must be implemented, or the laudable leadership of the EU in fighting wildlife trafficking and implementing the new AP will suffer significantly.

7. Involvement of the private sector and civil society.

The 2016 AP suffered from a lack of involvement of the private sector and civil society. There was no mechanism for contributing in any formal and pro-active way after the consultation phase, despite the European Parliament and the Council having pointed out the important role they both play. **The revised AP should ensure that all the relevant stakeholders are involved in its implementation.** This is particularly important at EU level, where the private sector (e.g. banks, transport companies, courier companies, etc.) and NGOs could be invited in for closer association and, potentially, collaboration. It also stands true at national levels, where relevant local companies and civil society organisations could be more involved through national planning processes. For example, **a civil dialogue group could be created for wildlife trafficking**, including private sector, civil society and relevant stakeholders like in the model that was put into place by DG AGRI². Such a dialogue group could enhance participation and provide a mechanism for civil society to report, inform, and share intelligence.

8. Adequate monitoring & evaluation

The 2016 AP reporting formats provide a general sense of progress, yet fail to demonstrate it. At the time of the initial consultation on the AP (in 2014), many NGOs called for a detailed Monitoring & Evaluation plan with indicators to measure progress. And indeed, the Action Plan was supposed to come with a “scoreboard” that would help relevant parties systematically review how Member States are implementing EU legislation. This mechanism, however, never materialised. As a consequence, the Commission and the Member States did not track the allocation of means and capacity (staff, resources, etc.) to help deliver on the AP, nor the achievement of the AP’s objectives. In the progress reports, there is a lack of data and quantitative analysis about the potential outcomes or impacts of the MS actions. It is thus difficult to assess their value. **It is crucial that the revised AP includes a detailed logical framework/theory of change and an effective monitoring system.** Should MS oppose the

² <https://ec.europa.eu/info/food-farming-fisheries/key-policies/committees-and-advisory-councils/civil-dialogue-groups>

establishment of Monitoring & Evaluation techniques, we recommend a **“collaborative benchmarking” system** - a process that leverages stakeholder participation, motivation, and influence over force and control. Such a system consists of a limited number of indicators that are mutually agreed during a significant stakeholder discussion. It needs to be developed by the Member States themselves, under the general oversight and with the support of the European Commission that may provide some initial proposals and facilitated by a M&E professional. Such discussion is likely to result in a limited set of mutually agreed indicators. Some very basic indicators might cover how many staff with the right expertise are permanently funded to deal with the issues at national and EU levels, what budget is made available to do certain types of actions, etc. Other indicators, including proxy indicators, might focus on outcomes and impact. What is very important is that this mechanism does not kick in only once every two years, as is currently the case with the self-reporting exercise, but that **it is updated on a more continuous basis.**