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Stolen Wildlife IV

The EU – a destination for wildlife traffickers

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Content

Glossary

CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CoP	Conference of the Parties
EU	European Union
ICMBio	Instituto Chico Mendes de Conservação da Biodiversidade (Brazil)
IUCN	International Union for the Conservation of Nature
LEMIS	Law Enforcement Management Information System
NEMBA	National Environmental Management: Biodiversity Act
SANBI	South African National Biodiversity Institute
SARATAG	South African Reptile and Amphibian Trade Advisory Group
UNEP	United Nations Environment Programme

1. Summary

The European Union continues to be one of the biggest importers of animals destined for the exotic pet trade. While the majority of individuals in trade are from a limited number of species, there is also a significant demand for rare species, particularly reptile and amphibian species – regardless of whether there are only small populations thereof in the wild or whether they are scarcely available due to national protection measures in their country of origin.

Only a very small fraction of the species in trade are actually covered by international and/or EU legislation. However, many species in trade, which are protected in non-EU countries under domestic legislation, have nonetheless been caught in the wild and exported in violation of the country of origin's national law.

The present report is part IV of the series "Stolen Wildlife" (see Altherr 2014; Altherr *et al.* 2016; Altherr & Lameter 2020a). Chapter 2 is not only an introduction to this specific type of wildlife crime but illustrates the global scope of the problem. It shows how the EU is a main hub and destination for stolen wildlife from Latin America, Africa, the Middle East, Asia and Oceania. The wildlife being trafficked is not restricted to reptiles and amphibians (although they represent the majority of known species being trafficked). Increasingly, ornamental fish and invertebrates are also being affected by this form of wildlife crime.

The report provides case studies from Cuba, Brazil, Morocco, South Africa and the Philippines (see Chapter 3). These countries are known as biodiversity hotspots, with high levels of endemism (the state of a species being found in a single defined geographic location). Their unique fauna makes these countries a target of wildlife traffickers.

Furthermore, the report gives an overview of recent measures taken by range states in order to protect their biodiversity, examples of recent seizures and arrests involving European citizens, in addition to a summary of the listing proposals for the CITES CoP19 by range states from which native protected species have been stolen to supply the international pet trade (see Chapter 4). The report explains why these measures in the range states need to be strongly supported by importing countries.

Chapter 5 analyses why it is crucial that the EU – being a central hub and destination for such illegally sourced wildlife – takes action and explores some legal options to supplement the existing legislation, which is insufficient to protect global biodiversity and combat all wildlife trafficking.

Chapter 6 provides conclusions and recommendations, calling on the EU to not only support CITES proposals by range states, but also requesting international trade restrictions or even bans to support national protection measures.

In addition, the EU must move forward from words to deeds by committing to delivering supplementary legislation to halt the trade in wildlife stolen from other parts of the world to be placed on the EU market. The present revision of the EU's Action Plan against Wildlife Trafficking is the ideal opportunity to address this legal loophole and initiate the development of a legislation, which makes it a criminal offence to trade in wildlife species that are protected in their country of origin.

2. Introduction

"Rarity bites" was the title of an article by Brook and Sody published in *Nature* in 2006. This highlighted the self-reinforcing cycle of demand for rare species and the associated price dynamics, which further increase offtakes from the wild. This rule is still just as relevant and applicable today. While species that are protected by CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) are often among the most expensive species in trade, some non-CITES species reach similarly high values.

A special clientele is continuously searching for living rarities including non-CITES species, that are seldom found on the international market – either because that they are highly endangered and therefore rare in nature or they are nationally protected in their country of origin and cannot therefore be legally exported (Altherr *et al.* 2020; Frank & Wilcove 2019; Janssen & Krishnasamy 2018).

However, with the exception of the USA (with its "US Lacey Act"), no other country has legislation in place that criminalises the import, possession or sale of such illegally acquired non-CITES wildlife. Consequently, this type of wildlife crime generates high profits, but entails much lower risks with regard to penalties.

The issue of trafficking protected native wildlife in violation of national legislation has been highlighted by many reports and peer-reviewed papers (e.g., Heinrich *et al.* 2022, 2021; De Sousa *et al.* 2021; Altherr *et al.* 2019; Janssen & Leupen 2019; Janssen & Shepherd 2019). The most recent EUROPOL report noted: **"Traffickers operating in Europe are increasingly targeting less monitored endemic non-CITES listed species..., which are trafficked to both EU and non-EU destinations"** (EUROPOL 2022).

The European Union (EU) is not only a main destination for exotic pets – from legal and illegal sources – but the role of European citizens as the clients or even traffickers for stolen wildlife is alarming. Since 2014, the "Stolen Wildlife" report series has regularly documented the systematic trafficking of nationally protected wildlife for the European exotic pet market (Altherr 2014; Altherr *et al.* 2016, Altherr & Lameter 2020a).

The present report exposes examples of the global trafficking of wildlife for the European Union's exotic pet trade. This is a dynamic trade, with new species continuously appearing in online advertisements. Only recently, lava lizards *(Microlophus albemarlensis)* were openly offered for the first time in the European pet trade via the online platform "terraristik.com" (own observations, see Fig. 1) – the species is endemic to the Galápagos Islands, which do not permit any exports for commercial trade.

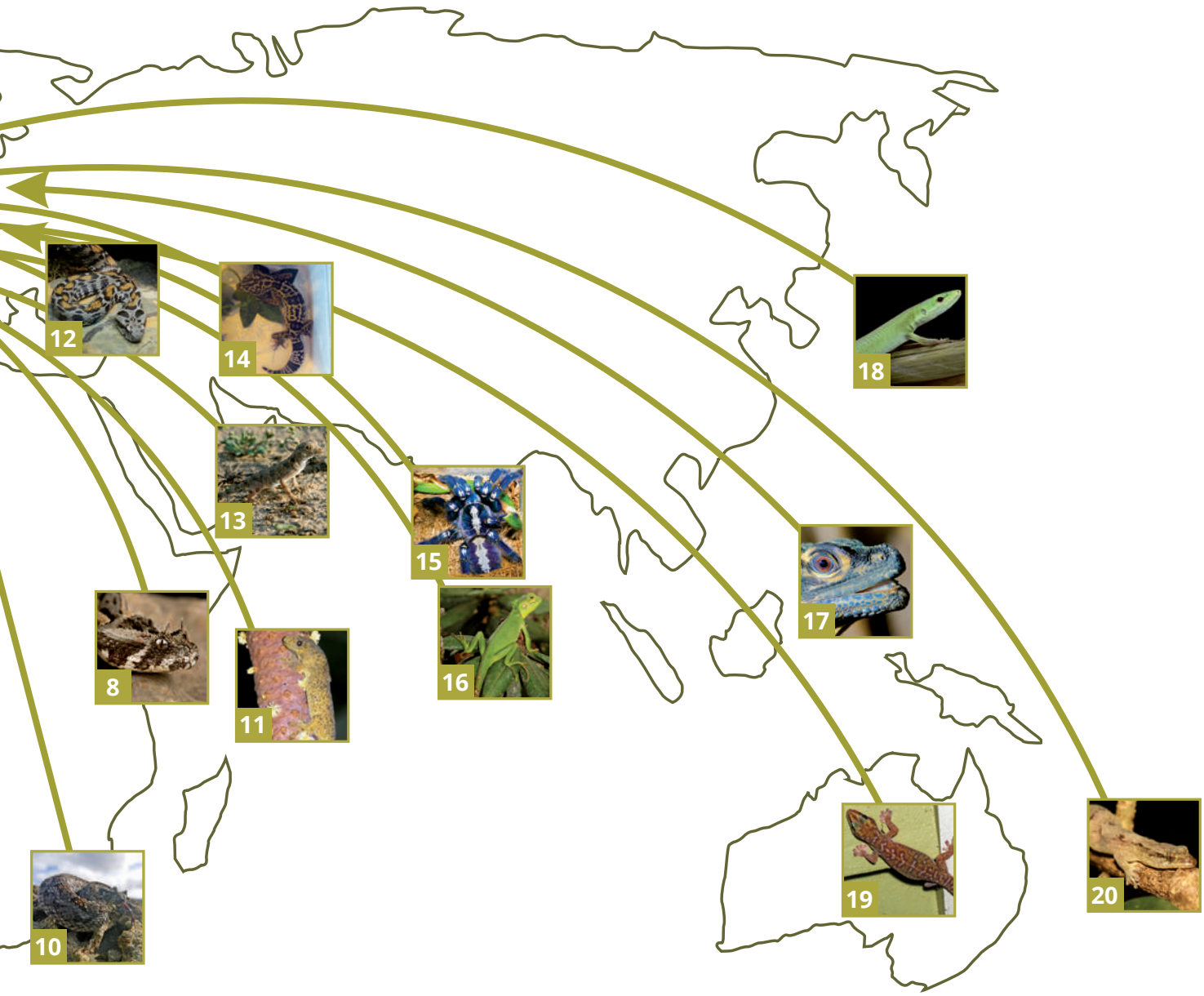
The Conference of the Parties (CoP) to CITES – the 19th meeting of which will be held in November 2022 in Panama City – is a highly pertinent indicator for the scope of the problem. These tri-annual meetings discuss an increasing number of proposals by range states requesting international protection measures for hundreds of species to finally halt the plundering of their nationally protected biodiversity. As urgently as those CITES-listings are needed, they cannot prevent the exotic pet trade from shifting to other species that are not yet covered by CITES. Moreover, listing proposals tabled by range states at CITES CoP meetings are also not necessarily guaranteed the support of the majority of other Parties to the Convention.

This is why the authors of this report are urging the EU to implement precautionary legal measures that respect and reflect the measures instituted by range states to protect the biodiversity within their own territory.

European Union as destination

Fig. 1: Examples of trafficking of nationally protected species to Europe

1. **Mexico:** Short-tailed horned lizard, *Phrynosoma braconnieri* (e.g., BBC News 2020)
2. **Cuba:** Cuban blue anole, *Anolis allisoni* (see Chapter 3.1.)
3. **Costa Rica:** Spiny cochran frog, *Teratohyla spinosa* (Altherr *et al.* 2016)
4. **Galapagos Islands:** Galápagos lava lizard, *Microlophus albemarlensis* (e.g., advert at terraristik.com, Nov 2021)
5. **Brazil:** Cardinal tetra, *Paracheirodon axelrodi* (Charity & Ferreira 2020, see also Chapter 3.2.)
6. **Peru:** Peru marsupial frog, *Gastrotheca peruana* (e.g., advert at terraristik.com, June 2022)
7. **Morocco:** Helmethead gecko, *Tarentola chazaliae* (see Chapter 3.3.)
8. **Kenya:** Kenya horned viper, *Bitis worthingtoni* (Altherr 2014)
9. **Namibia:** Namib web-footed gecko, *Pachydactylus rangei* (s. Altherr *et al.* 2020)
10. **South Africa:** Southern adder, *Bitis armata* (see Chapter 3.4.)



11. **Seychelles:** Giant bronze gecko, *Ailuronyx trachygaster* (Altherr *et al.* 2020)
12. **Turkey:** Wagner's viper, *Montivipera wagneri* (e.g., Altherr *et al.* 2016)
13. **Oman:** Carter's rock gecko, *Pristurus carteri* (e.g., Altherr & Lameter 2020a)
14. **Iran:** Iranian leopard gecko, *Eublepharis angraamainyu* (e.g., Altherr *et al.* 2016)
15. **Indien:** Metallic blue tarantula, *Poecilotheria metallica* (see CITES CoP18 Prop. 46)
16. **Sri Lanka:** Black cheek lizard, *Calotes nigrilabris* (e.g., Altherr & Lameter 2020; CITES CoP18 Prop. 23)
17. **Philippines:** Philippine sailfin lizard, *Hydrosaurus pustulatus* (see Chapter 3.5)
18. **Japan:** Miyako grass lizard, *Takydromus toyamai* (e.g., Altherr & Lameter 2020a)
19. **Australia:** Southern spotted velvet gecko, *Oedura tryoni* (e.g., Altherr *et al.* 2019)
20. **New Caledonia (France):** Gunther's New Caledonian gecko, *Bavayia cyclura* (e.g., Altherr & Lameter 2020)

3. Case Studies

3.1. Cuba

Biodiversity: Cuba is part of the Caribbean Islands Biodiversity Hotspot with a high level of species endemism (Fong *et al.* 2015; Myers *et al.* 2000). This island state is home to 179 reptile species, of which 137 are believed to only be found in Cuba; 71 amphibians are native, with 67 of them endemic (AmphibiaWeb 2022; Living National Treasures 2019; Uetz *et al.* 2019).

National legislation: Via Resolution No. 160/11 Cuba is protecting threatened species at national level that have a special role for biological diversity. Annex I lists species that are listed in CITES Appendix I, protected by the CMS or classified in Cuba's national Red List (Gonzáles *et al.* 2012) as Endangered or Critically Endangered. Capture or export of Annex I species is only authorised for scientific purposes. Annex II lists, for example, CITES Appendix II or III species and all species considered as Vulnerable; any capture or export requires a permit by the environment authorities.

Illegal trade: Smuggling of native wildlife from Cuba includes reptiles, birds and snails, such as painted snails (*Polymita* spp.), which were only included in CITES Appendix I in 2016. In response to the large-scale marketing of Cuban endemic reptiles in Europe, in 2019, Cuba requested the listing of nine species of *Anolis* (formerly known as *Chamaeleolis*) and 11 species of *Sphaerodactylus* species in CITES Appendix III (see also Chapter 4.2). However, despite these recent CITES listings, these species are still in trade, even as adult animals (see Fig. 3). In addition, there is evidence that other nationally protected and endemic species, not yet covered by CITES, such as *Anolis allisoni* (see Fig. 2) or a yet undescribed species of *Chamaeleolis* "red throat" (e.g., advert of May 2022 at terraristik.com), are still being trafficked and placed on sale in the EU.

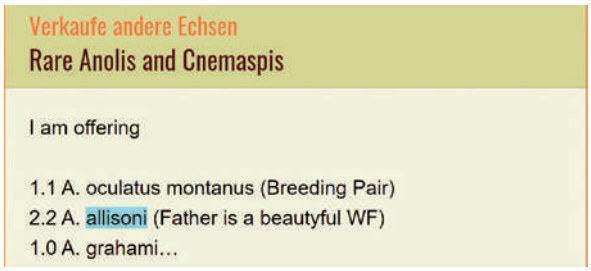


Fig. 2: Online offer at terraristik.com for *Anolis allisoni*, offspring of a wild-caught male. German trader, May 2022

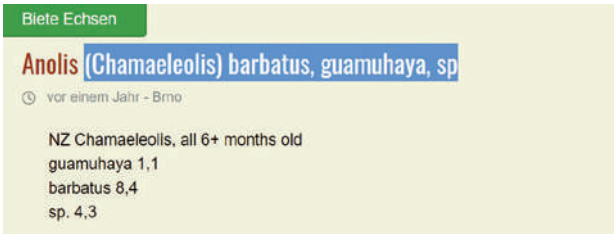


Fig. 3: Online offer at terraristik.com for different *Chamaeleolis* species, offspring of a wild-caught father. Czech trader, June 2021

3.2. Brazil

Biodiversity: Brazil is the most megadiverse country in the world, hosting 15% to 20% of global biodiversity (UNEP 2019). The country is home to 855 reptile and 1,152 amphibian species, (AmphibiaWeb 2022; Uetz *et al.* 2022), with at least 396 of these reptiles and 817 of the amphibians being endemic (Living National Treasures 2022). The Amazon basin is home to the globally largest freshwater fish biodiversity with high endemism (Dagosta & Pinna 2019).

National legislation: According to Art. 29 of the Brazilian Environmental Crimes Law (Law 9, 605 as of 1998), *"killing, chasing, hunting, capturing or using specimens of wild animals, … without proper permission, license or authorization from the authorities"* is a crime.

Illegal trade: Brazil's unique herpetofauna is highly sought-after in the international pet trade, as indicated by regular seizures (Cardenas 2021; Jones 2021). However, those seizures represent just the tip of the iceberg. A survey in 2018 recorded 14 reptile and amphibian non-CITES species that are endemic to Brazil but were found on sale on the European exotic pet market (Altherr *et al.* 2020). It remains unclear how many of these animals are captive bred and originate from legally acquired breeding stocks.

A popular trafficking route for South American species to Europe is via Spain (Guardia Civil 2020; EUROPOL 2018). Endemic and nationally protected species from Brazil are regularly sold at European reptile trade shows, e.g., the **Brazilian snake-necked turtle** *(Hydromedusa maximiliani)*, **Brazilian radiolated swamp turtle** *(Acanthochelys radiolata)* and the **Vanderhaege's toad-headed turtle** (*Mesoclemmys vanderhaege*i – under its old synonym *Phrynops tuberculatus*), see Fig. 4. The sale of large numbers of adult specimens is an indicator that the animals are not captive-bred.

Wildlife trafficking of ornamental fish species from the Amazon is also common. For example, the **cardinal tetra** *(Paracheirodon axelrodi)*, which is by far the most seized ornamental fish in Brazil, represents 38% of seizures (Charity & Ferreira 2020).

Tens of thousands individuals of the **zebra pleco** *(Hypancistrus zebra)* are annually smuggled out of the country (de Sousa *et al.* 2021) – a species that is classified in Brazil's national Red List as Critically Endangered (ICMBio/MMA 2018), listed in CITES App. III since 2016, and is proposed for the CITES CoP19 for listing in Appendix I (CITES CoP19 Prop. 41). The species is sold in Europe for approximately €150-200 per fish (see Fig. 5) and is among the top 15 species of ornamental fish kept in German aquaria (EXOPET 2017).

Fig. 4: Spanish trader, offering adult freshwater turtles, endemic to Brazil, for European exotic pet trade. Offer by Spanish trader at terraristik.com, January 2022

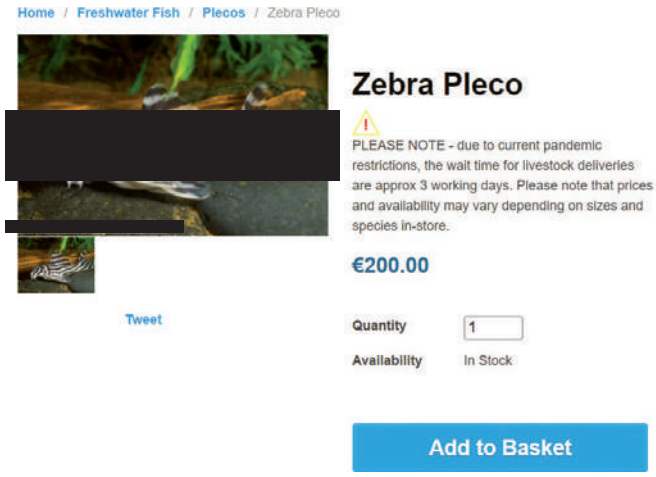


Fig. 5: Offer for zebra pleco by an aquarium trader from Ireland, June 2022, for 200 € each

Trafficker sentenced to 11 years in prison

Fig. 6: Golden lancehead *(Bothrops insularis)*

Fig. 7: Iherings' fathead anole *(Enyalius iheringii)*

Fig. 8: Boie's frog *(Proceratophrys boiei)*

Fig. 6: Tailless whip scorpions (*Heterophrynus* sp.)

In January 2021, a Russian citizen was caught at Sao Paulo's airport with 294 reptiles, amphibians and invertebrates; a mere five months later he was arrested in Rio de Janeiro once again with hundreds of wild animals (Cardenas 2021). Among the species seized in June 2021 were, for instance:

- The critically endangered **golden lancehead** *(Bothrops insularis)*, see Fig. 6
- **Jararaca lancehead** *(Bothrops jaracara)*
- **Iherings' fathead anole** *(Enyalius iheringii)*, see Fig. 7
- **Bruno's casque-headed frog** *(Aparasphenodon brunoi)*
- **Sao Paulo leaf frog** *(Phyllomedusa distincta)*
- **Boie's frog** *(Proceratophrys boiei)*, see Fig. 8
- **tailless whip scorpions** (*Heterophrynus* sp.), see Fig. 9
- **Curtain web spiders** (*Diplura* sp.)

The Brazilian authorities had been keeping an eye on this individual after he was caught at Schiphol airport in the Netherlands in May 2017 on a flight back from São Paulo with dozens of Brazilian endemic species in his luggage, including 26 extremely venomous lancehead vipers (Dutch News 2017).

Prior to his arrest and final sentencing by a Brazilian court in December 2021 to 11 years in prison (HKU SVIS 2021), **the suspect had regularly been offering a broad range of rare wildlife for sale in Europe, for example at the largest reptile trade show in Hamm, Germany.** At least since 2013, he was routinely selling a broad range of rare species from across the globe, including **two-lined fathead anole** *(Enyalius bilineatus)* from Brazil, the **psychedelic gecko** *(Cnemaspis psychedelica)* from Viet Nam, the **black-cheek lizard** *(Calotes nigrilabris)* from Sri Lanka, **Yamashina's leopard gecko** *(Goniurosaurus yamashinae)* from Japan and the **mountain flat gecko** *(Afroedura nivaria)* from South Africa.

After being highlighted as case studies in previous Stolen Wildlife reports (Altherr *et al.* 2016; Altherr 2014) some of these species have since been included in the CITES Appendices.

3.3. Morocco

Biodiversity: Moroccan biodiversity includes about 109 reptile and 13 amphibian species (Uetz *et al.* 2022; AmphibiaWeb 2022), with 25 species of reptiles and three of amphibians being endemic (Living National Treasures 2022).

National legislation: Law No. 29-05 on the protection of species of wild flora and fauna lists four categories of species, of which capture, trade and export is prohibited without authorisation by permits: Category I, II and III are conform to CITES App. I to III, while Category IV covers species that are classified as Threatened by the IUCN Red List.

Illegal trade: There is a sizeable trade in live wildlife, both for national and international markets. A significant portion of this trade involves illegally sourced animals, including mammals, birds and reptiles (e.g., Yahia 2019; Bergin & Nijman 2018; van Uhm 2016). Wildlife trafficking from Morocco to Europe does not only cover CITES species, but also threatened native species that were caught from the wild and exported without permits.

The **helmethead gecko** *(Tarentola chazaliae)* is classified by the IUCN Red List as Vulnerable (Wilms *et al.* 2013) and is, accordingly, protected by national law as a "Category IV" species. Nevertheless, it is regularly traded in relatively large numbers. The species is sought after for its striking helmet, often attractive patterns and vocal behaviour.

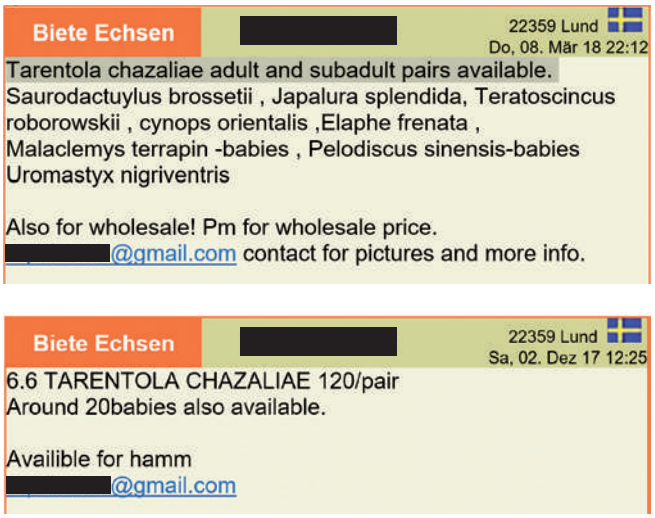


Fig. 10: Online offers for helmethead geckos at terraristik.com, adverts by Swedish reptile trafficker, arrested in April 2018.

In 2018, Swedish authorities raided the house of a reptile trader and seized almost 900 of reptiles (CITES and non-CITES), including 550 wild-caught helmethead geckos that were obviously smuggled from Morocco (Sveriges Radio 2021; The Local 2018). Before his arrest, the Swedish citizen also had offered adult and subadult *T. chazaliae* for wholesale and for Europe's largest reptile trade show in Hamm, Germany (see Figure 10). The man was sentenced to two years in prison in 2021 (Aftonbladet 2021).

This case suggests that there is an ongoing trade in alarmingly high numbers of helmethead geckos. This is especially concerning given the species' very narrow coastal distribution range. Some adverts openly offer offspring from wild-caught parents ("F1", see Fig. 11).

In June 2022, Mauritania and Senegal submitted a proposal to list this species on CITES App. II (CITES CoP19 Prop. 16).

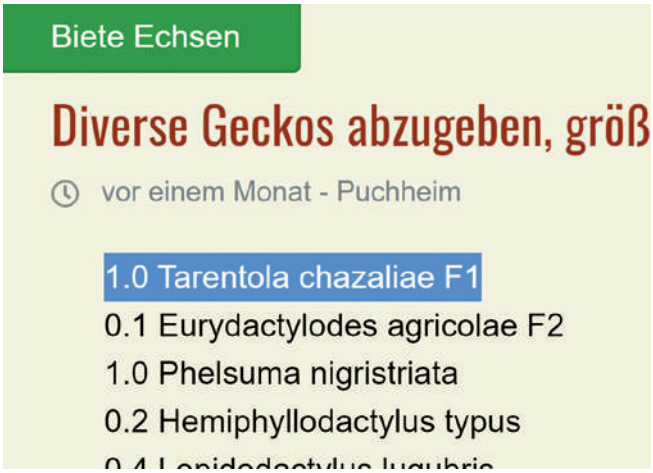


Fig. 11: Online offer by a German citizen for *T. chazaliae* with wild-caught parents, May 2022 at terraristik.com

3.4. South Africa

Biodiversity: South Africa is considered to be one of the most biologically diverse countries in the world (CBD 2022). It is home to 568 reptile and 132 amphibian species, with at least 151 and 67, respectively, being endemic (AmphibiaWeb 2022; Living National Treasures 2022; Uetz *et al.* 2022). The country has the richest national diversity of several lizard families in Africa (Bates *et al.* 2014).

National legislation: In South Africa, the capture of native wild animals requires a permit, which may be issued by the relevant province in line with its provincial Nature Conservation Ordinance or Act. On the national level, species can be listed as threatened or protected in terms of section 56 of the National Environmental Management Biodiversity Act (NEMBA) of 2004, which can prohibit capture and export. However, fragmented, outdated and unclear legislation is hampering the authorities to gain clear proof of illegal activities (Pinnock 2018; Herbig 2010).

Illegal trade: South Africa's fauna is regularly targeted by wildlife traffickers to be sold in the international pet trade (e.g., Altherr & Lameter 2020; Bega 2020; Frost 2020; Virata 2018). Especially for dwarf adders (*Bitis* spp.), traders in Europe specifically name localities in South Africa (e.g., East London; Western/Eastern Cape, Elim, Mpumalanga, Namaqua or Ruimte), including the endemic **red adder** *(Bitis rubida)* and the **southern adder** *(Bitis armata)* (Fig. 12) or the **Albani adder** *(Bitis albanica)*.

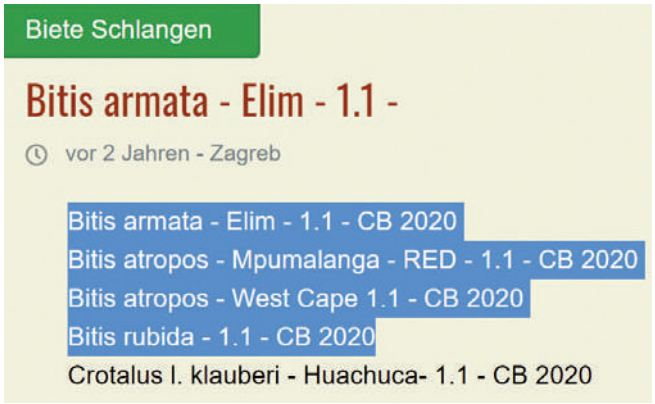


Fig. 12: Online offer by a trader from Croatia, 2020, at terraristik.com, noting South African localities

B. armata, for instance, is endemic to South West Cape and classified in the global and South Africa's national Red List as Vulnerable (Maritz & Turner 2018; SANBI 2017) – in Europe, traders request up to 3,000 Euros per pair.

While some of those species do regularly breed in captivity, ongoing wild-caught sourcing is obvious. Following reports on intense illegal offtakes of reptiles, a workshop was held in September 2019 in Cape St. Francis, South Africa, to address this issue (SARATAG 2019).

In November 2021, two German citizens were arrested in Northern Cape with four tortoises and 28 rare lizards, including CITES and non-CITES, but nationally protected, species (South African Government 2021; Seleka 2021). According to our records, one of the two arrested Germans has a long history in offering rare and nationally protected animals from South Africa (see Fig. 13). In July 2022, the two were convicted and given a suspended sentence – and when leaving the court they were immediately re-arrested for wildlife trafficking in another Province (Maromo 2022).

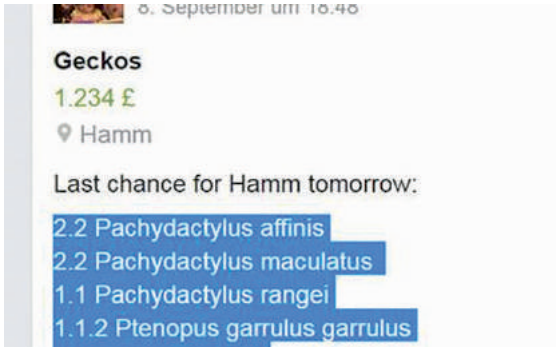


Fig. 13: Offer of 2017 in a closed Facebook group by a German trader, who was arrested in South Africa in 2021

3.5. The Philippines

Biodiversity: The Philippines is one of 18 mega-biodiverse countries of the world, containing two-thirds of the earth's biodiversity (CBD 2022). It is home to 367 reptile and 112 amphibian species (AmphibiaWeb 2022; Uetz *et al.* 2022), of which are 266 and 98 endemic (Living National Treasures 2022).

National legislation: The Wildlife Resources Conservation and Protection Act prohibits the capture and export of native wildlife without a permit. Specimens of threatened species may neither be caught in the wild nor exported. Since 1991, there have only been three legal exports of the Philippine sailfin lizard *(H. pustulatus)* from the Philippines, all of which were captive-bred animals, and no facilities currently have a permit to export *H. pustulatus* for commercial purposes in the Philippines (Heinrich *et al.* 2021).

Illegal trade: Reptiles comprise as much as 43 % of all seizures at the national level and cover both CITES and non-CITES species (Cruz & Languzad 2021). For instance, the endemic **Philippine forest turtle** *(Siebenrockiella leytensis)* is listed on CITES App. II and strictly protected by national legislation. However, it is heavily poached. Within the period 2004-2018 more than 4,700 animals were seized (Sy *et al.* 2020).

Among the trafficked non-CITES species are e.g., the **Philippine sailfin lizard** *(Hydrosaurus pustulatus)*, the **Philippine pit viper** *(Trimeresurus flavomaculatus)*, the **Luzon red-tailed rat snake** *(Coelognathus erythrura manillensis)*, the **Luzon bronzeback snake** *(Dendrelaphis luzonensis)* – all of them being endemic – and several species of **flying dragons** (*Draco* sp.) (ADB *et al.* 2019).

The Philippine sailfin lizard is one of the most widely sold native reptiles in the Philippine pet trade (Sy 2018; Canlas *et al.* 2017). According to Canlas *et al.* (2017) most, if not all of them were likely sourced illegally from the wild. Siler *et al.* (2016) also highlight the clear evidence of heavy exploitation for the illegal pet trade. The species is also in high demand within the international pet trade (Heinrich *et al.* 2021; Altherr *et al.* 2020, 2016 – see also Fig. 14 and 15). Occasionally, seized animals are repatriated to the Philippines (Virata 2012).

Trafficking even covers invertebrates, as several seizures of tarantulas have illustrated. For instance, in June 2022, authorities seized 198 live tarantulas in Pasay city, which were destined for Italy (RMN 2022).

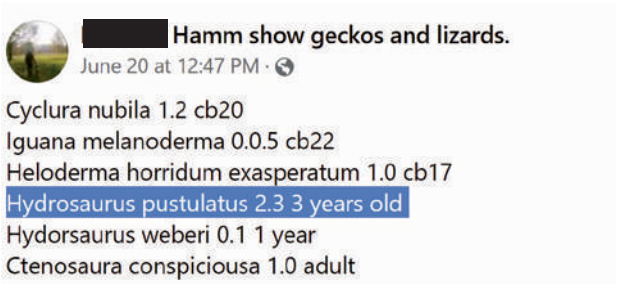


Fig. 14: Online offer in Facebook group "Hamm show geckos and lizards" for reptile trade show in Germany, post of 20 June 2022, unknown nationality

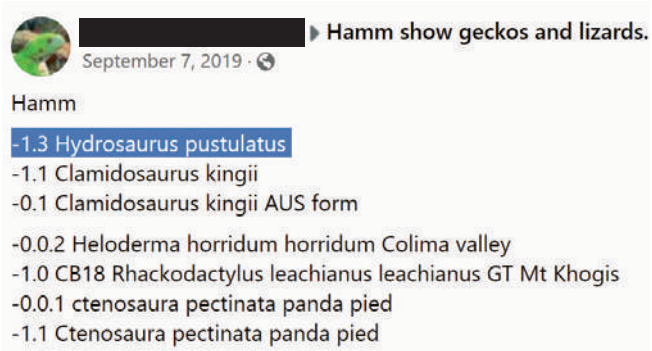


Fig. 15: Online offer in Facebook group "Hamm show geckos and lizards" for reptile trade show in Germany, post of 7 September 2019, trader from Spain

4. Measures by Range States

4.1. National legislation and enforcement

Many range states already have strict national regulations to protect their biodiversity. However, wildlife traffickers regularly target species that are desirable for the international pet market.

In response to the sale of their native and nationally protected species abroad, several range states have recently tightened up their legislation. Seizures and arrests in these range states underline the key role played by European citizens in this type of wildlife crime:

- In January 2021, the **Seychelles** approved stricter regulations to protect its endemic and threatened giant bronze gecko, *Ailuronyx trachygaster* (Magnan 2021) – in response to its unexpected sales at the reptile trade show in Hamm, Germany since late 2017.
- In January 2021, **Colombia's** Environmental Police arrested two Germans, one Pole and a Venezuelan who tried to smuggle tarantulas (Moss 2021).
- In November 2021, two German citizens were arrested in Kalahari, Northern Cape, **South Africa**, with four tortoises and 28 rare geckos (South African Government 2021). One of the two has a long history of selling threatened and endemic species, including live rarities from South Africa (see Chapter 3.4).
- In December 2021, authorities in **Colombia** arrested two Germans and seized plastic boxes containing 232 tarantulas, eight scorpions and 67 roaches (Lewis 2021).
- In December 2021, a court in **Brazil** sentenced a Russian citizen with a notorious record for wildlife trafficking to 11 years in prison (G1 2021). Before, the Russian was regularly selling wildlife from all over the world at European reptile trade shows (see Chapter 3.2).
- In March 2022, two Germans were arrested in **Sri Lanka** for the illegal capture of reptiles, invertebrates and plants (Jamaldeen 2022).

However, such seizures and arrests are probably only the tip of the iceberg, and the number of unrecorded cases is assumed to be much higher.

4.2. Recent CITES Appendix III listings

- In September 2019, the Appendix III listing of nine *Anolis* (formerly *Chamaeleolis*) and 15 *Sphaerodactylus* species endemic to **Cuba** came into force (CITES Notification No. 2019/047).
- In November 2020, **Japan's** request to list six endemic lizard species of *Goniuosaurus* and the Anderson's crocodile newt *(Echinotriton andersoni)*

on CITES Appendix III was published via CITES Notification No. 2020/068.

- The same notification also noted the CITES App. III listing of seven species of *Calotes*, endemic to **Sri Lanka**. Sri Lanka's request was in response to its unsuccessful proposal to list two *Calotes* species into App. II at the CITES CoP18 in 2019.
- In March 2022, **Australia** formally requested to list more than 120 endemic lizard species in CITES Appendix III, including *Egernia* spp. and *Saltuarius* spp. (CITES Notification No. 2022/0219).

All four countries had featured as case studies in the report series "Stolen Wildlife", which documented the extent of trafficking in species that are endemic to and nationally protected species in these countries (Altherr 2014; Altherr *et al.* 2016, Altherr & Lameter 2020a).

4.3. Listing proposals for CITES CoP19

At least 13 proposals, which have been submitted for discussion at CITES CoP19 in November 2022, are seeking international trade restrictions (via CITES Appendix II) or even bans (via CITES Appendix I) for species that are nationally protected and internationally trafficked, for instance:

- Prop. 15: **India** proposes inclusion of the endemic Patinghe Indian gecko *(Cyrtodactylus jeyporensis)* in CITES Appendix II, assuming illegal exports, which are then legally sold in import countries.
- Prop. 16: **Mauritania and Senegal** seek the listing of the helmethead gecko *(Tarentola chazaliae)* on CITES App. II. The species is nationally protected in its range states (see Chapter 3.3).
- Prop. 18: **Mexico** is requesting the CITES Appendix II listing of desert horned lizards (*Phrynosoma* spp., 21 species), noting a recent increase in trafficking for the pet trade market.

- Prop. 19: **Australia** requests the uplisting of its endemic pygmy bluetongue lizard *(Tiliqua adelaidensis)* from Appendix III to Appendix I. The species is classified on the IUCN Red List as Endangered. No legal exports have been permitted, yet the species has been marketed in Europe at least since 2017, for prices of several thousand Euros for each individual.
- Prop. 27: **Brazil, Colombia, Costa Rica** and **Panama** submitted a proposal to list the genus of Neotropical wood turtles (*Rhinoclemmys* spp., nine species) on Appendix II.
- Prop. 29: **Colombia, Mexico, USA** and four other countries requested listings on Appendix II for *Kinosternon* spp. and Appendix I for *Kinosternon cora* and *K. vogti*, which are both endemic to Mexico and no export permits have been given.
- Prop. 34: **Costa Rica, Colombia, Peru** and ten more countries have requested the Appendix II listing of glass frogs (family Centrolenidae, 158 species). With national protection of glass frogs in many range states the proponents argue that a large portion of trade in wild-caught specimens is illegal.
- Prop. 39 and 41: **Brazil** proposes the listing of seven endemic freshwater stingrays of the genus *Potamotrygon* in CITES Appendix II, for which international trade by far exceeds legal exports. Further, Brazil submitted a proposal to uplist the zebra pleco *(Hypancistrus zebra)* from Appendix III to I (see Chapter 3.2).

While we explicitly welcome the many listing proposals for CoP19 (and those adopted at previous CoPs), we are also aware that many more nationally protected species will remain unprotected from commercial trade by CITES and trafficking in such species will continue unless the European Union takes legislative action to address this crucial conservation threat and assist range states in their efforts to protect biodiversity.

5. Legal Solutions for the EU

5.1. Strong EU commitments on biodiversity conservation

By failing to prohibit trade in all nationally protected species, the EU is not living up to its own responsibilities:

- Article 191 of the Treaty on the Functioning of the European Union states that the EU's policy *"shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source".*
- In its Progress Report on the Implementation of the EU Action Plan against Wildlife Trafficking, the EU Commission explained its engagement for the CITES-listing of exotic pet species: ***"The EU market should not fuel demand for species that have been harvested illegally or unsustainably [...]"*** (EU Commission 2018).
- In 2020, the European Commission adopted the EU Biodiversity Strategy for 2030 as part of its flagship European Green Deal policy package. This Strategy represents a binding political commitment to protecting and restoring biodiversity not only in Europe, but also elsewhere around the globe.

While the Commission clearly wants to show robust global leadership on biodiversity protection, the inconvenient truth is that the EU is still failing to prevent biodiversity decline in other parts of the world due to shortcomings in its own legislative framework.

In fact, the EU wildlife trade legislation still allows many wildlife species that are illegally collected in and exported from their country of origin to be imported and traded legally in the Union. The EU remains a main hub, transit point and destination for illegally sourced wildlife to supply the exotic pet trade – and EU residents are among the key smugglers, traders and clients for such species (EUROPOL 2022).

The implementation of the EU Biodiversity Strategy, which includes a pledge to revise the existing EU Action Plan against Wildlife Trafficking, presents an ideal opportunity to rectify the current situation.

5.2. Current legal framework in a nutshell

The trade in protected species of wild fauna and flora is presently regulated in the European Union in the framework of Council Regulation (EC) No. 338/97 and its implementing Regulations. These Wildlife Trade Regulations set down the provisions for the import, (re) export and internal trade in the species listed in the legislation's four Annexes. This is also the legislation through which the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are implemented in the EU. The vast majority of species listed in the EU Wildlife Trade Regulations Annexes are those listed under CITES, but some non-CITES species are also listed for consistency with legal protections to native species provided in the framework of the EU Nature Directives and the EU Regulation on invasive alien species. However, only a small fraction of the species offered as exotic pets in Europe are covered by either CITES or the EU Wildlife Trade Regulation. Currently, of all extant described species, only 10.5% of amphibians, birds, mammals and reptiles are CITES-listed (Watters *et al.* 2022).

Only every three years or so, during the CITES Conference of the Parties meetings, new species may be added to the CITES Appendices and the protection status of species may be upgraded, downgraded or removed altogether.

The process of getting species listed on CITES is extremely protracted given the length of time between COP meetings. The chances of listings are dependent also on sufficient scientific data on the species' conservation and its trade being available and/or accepted by a majority of Parties. A species being proposed by a range state for greater protection in terms of international trade does not necessarily mean that it will be granted listing on the CITES Appendices I (commercial international trade ban) or II (international trade restrictions) – as economic or political interests may impede the needed majorities to get these proposals approved.

5.3. Loopholes in the EU Wildlife Trade Regulations

Our report clearly shows that EU citizens play an active role in buying and trafficking protected species. The current EU Wildlife Trade Regulations do not fully address this issue, as many species that are protected nationally, but not at the CITES level, can still be legally imported, exported, kept and traded within the EU.

While range states could request a listing of their nationally protected species on CITES Appendix III without the consent of other CITES Parties, **current EU legislation neither prohibits nor imposes penalties for the sale, purchase and ownership of illegally sourced animals listed on CITES Appendix III.** Only illegal imports into or exports from the EU can be sanctioned. Given that such illegally sourced animals have been smuggled out of their country of origin, imports into the EU are generally neither declared nor recorded, and there are no sanctions for post-import activities.

In short, there are no sanctions or penalties in the EU for the trade in domestically protected species taken in violation of the national legislation of third countries.

This shady trade can have a devastating impact on animal populations and biodiversity elsewhere in the world. Native populations of wildlife are being decimated to supply the legal trade in Europe. A recent study indicates that the EU is among the main (re)exporters of live wild-caught non-CITES-listed reptile and amphibian species into the US, the largest trader of wildlife and wildlife products worldwide in terms of monetary value (Watters *et al.* 2022). The same study indicates that the US increasingly imports non-CITES species, with 3.6 times the number of unlisted CITES species compared with CITES-listed species. Of these unlisted species 376 face conservation threats. Since the trade in non-CITES species is not monitored in Europe, similar data are not available in the EU, but the case studies exposed by this report suggest an equally worrying trend, which is confirmed by a recent EUROPOL report (EUROPOL 2022).

Some traffickers prefer to collect gravid female animals during the breeding season, which enables them to offer "captive-bred" offspring shortly afterwards. The EU Guidance on live animals bred in captivity under EU Wildlife Trade Regulations raises related concerns regarding the **laundering of wild-caught animals as "captive-bred" and the use of illegally acquired animals in captive-breeding operations** (EU Commission Notice 2022/C 306/02).

As one of the largest markets, the EU has a responsibility to finally take action against this form of wildlife crime.

5.4. What action is needed?

Serious, informed campaigns by governments and NGOs are necessary to identify and disaggregate the consumer groups driving this trade. However, it is also imperative that the EU closes this gaping loophole in its Wildlife Trade Regulations by adopting supplementary legislation that prohibits the importation, transhipment, purchase, possession and sale of wildlife taken illegally in the country of collection/origin. This would also prevent the laundering of illegal wildlife through legal channels and would allow for the criminalisation of these offences under the EU Environmental Crime Directive (Directive 2008/99/EC).

There is already a precedent for this type of legislation elsewhere in the world. In the United States, the law providing law enforcement with the authority to prosecute cases of illegally taken wildlife is known as the 'Lacey Act'. This US conservation law actually dates back to 1900:

> **The US Lacey Act**
>
> ***prohibits "to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce — (A) any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law."***

A legal analysis by Client Earth (2018) found that an equivalent legislation at EU level would not conflict with existing EU wildlife trade regulations, such as Council Regulation (EC) No. 338/97.

How such an EU legislation could look like is shown by a model legislation, developed by Advocates for Animals in 2022 (Swabe *et al.* 2022).

6. Conclusions and Recommendations

6.1. Conclusions

- This report provides an overview of the **global smuggling of wildlife into the European Union**, by summarising findings from the past, combined with current cases from Cuba, Brazil, Morocco, South Africa and the Philippines.
- Wildlife trafficked to Europe is caught from all over the world, affecting species from a broad range of biological taxa and targeting countries from all continents, except Antarctica – irrespective of whether they are developing or industrial countries.
- While reptiles are easy targets to smugglers, being sought-after, tough and silent goods during smuggling, this report illustrates that the trafficking of nationally protected wildlife for the international pet trade **also affects amphibians, ornamental fish and invertebrates**, such as tarantulas and scorpions.
- The EU remains a hub, transit point and destination for exotic pets, including protected species, which were illegally caught and exported from their country of origin.
- **Due to the lack of appropriate legislation, the EU is presently permitting the marketing of stolen wildlife in the Union, thereby seriously undermining the conservation efforts of range states.**
- EU residents are among the key smugglers, traders and clients for such species. Their activities undermine the efforts of conservation-oriented range states to protect their native species.
- Major reptile trade shows in Europe, such as the Terraristika in Hamm (Germany) and Houten (the Netherlands), are meeting points for traders and buyers of rare and nationally protected species.
- **If the EU wants to show robust leadership on global biodiversity protection, this issue needs to be urgently addressed to prevent biodiversity decline in other parts of the world.**
- The range of proposals submitted for consideration at the CITES COP19, which will be held in November 2022 in Panama City, mirrors the scope of the problem. Indeed, at least 13 proposals, comprising more than 220 species, are intended to increase global protection of species that are internationally traded despite the national protection measures already taken by the range states. This nevertheless only represents a small fraction of the species affected by wildlife trafficking.
- While the listing of threatened species on the CITES Appendices is presently the most effective way to protect species against being plundered, it is a slow process that can be hampered by economic or political interests. It also does not prevent the exotic pet trade shifting its focus to unlisted species. This even includes rare species that are only just being described by scientists for the first time and which immediately become the target of collectors.
- **The listing of threatened and nationally protected species on CITES Appendix III would not prevent the sale, purchase or keeping of illegally sourced animals, given that EU legislation only prohibits the import of Appendix III (Annex C) specimens without proper paperwork.**
- The USA is said to be the only country in the world that has legislation (i.e., the US Lacey Act), which makes it a criminal offence to import, export, transport, sell, receive, acquire or purchase wildlife that has been taken, possessed, transported or sold either in violation of U.S. or foreign law.

6.2. Recommendations

- We applaud the EU for its own initiatives at CITES, often in collaboration with range states, to protect species by proposing their listing on CITES Appendices I or II. **The EU should continue with its strong engagement at CITES**, supporting listing proposals put forward by range states, particularly with respect to species for which the EU is one of the largest importers.
- **Given its responsibility as a main market for the international exotic pet trade, the EU should support listing initiatives of source countries at CITES CoPs the EU should assist range state in their effort to protect wildlife. Without increased support, the impact of CITES decisions risks to remain marginal**.
- More efforts are needed to define target audiences, understand specific behavioral drivers, and identify ways to encourage exotic pets' consumer behavior change.
- **The EU should adopt a precautionary legislation, supplementary to its Wildlife Trade Regulations, which prohibits the importation, transhipment, purchase and sale of wildlife taken illegally in the country of collection/origin.** This would also prevent the laundering of illegal wildlife through legal channels and would allow for the criminalisation of these offences under the EU Environmental Crime Directive.
- The **registration of all wildlife imports** at species level and including the number of individuals would be a pre-condition to be able to enforce such legislation.
- The EU should therefore establish a **database on the trade of all wildlife species**, similar to the US LEMIS, so that detailed data can be collected on the trade in any (CITES and non-CITES) species.
- Range states need to strengthen their efforts to enforce national legislation, to intensify controls and to impose **deterrent fines for wildlife crime, which should be punishable by a minimum of four years of imprisonment**, as per the definition of the United Nations of what constitutes a "serious crime" (Art 2 (b) of UNTOC Resolution 55/25 of 15 November 2000).
- **Importing countries need to ensure that penalties for CITES Appendix III violations are not limited to the import but also cover possession, sale and re-export.**

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In line with our organisational policies, we avoid using photographs of animals in captivity and instead only use images of animals in the wild. For this report, however, which focuses on the impact of the exotic pet trade, it has been unavoidable to use some photos of animals in captivity, particularly given that it concerns very rare species for which few images are available.

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Imprint

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