

Opinion of the European Economic and Social Committee on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Revision of the EU action plan against wildlife trafficking

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(for/against/abstentions)	152/0/1

1. Conclusions and recommendations

1.1. The revised EU Action Plan against Wildlife Trafficking contains many right elements that would make it successful. The four priorities and their objectives are well designed and are an improvement on the previous version. However, the EESC is concerned about the resources that will be allocated to implement the plan at national level and whether or not they are sufficient, as insufficiency could lead to the plan failing, as was the case with the previous plan.

1.2. The EESC welcomes the fact that the European Commission has committed to providing sufficient financial and human resources to curb wildlife trafficking by integrating wildlife trade in the EU funds addressing: (i) security and organised crime; (ii) the environment; and (iii) international cooperation/partnerships. In particular, it should be a priority under: EMPACT; the Internal Security Fund; the LIFE programme; Interreg programme; and the Neighbourhood, Development and International Cooperation Instrument.

1.3. However, it is important to agree on a percentage from these funds to be completely dedicated to curbing wildlife trafficking in order to help accountability for the action plan. Member States should commit to providing sufficient funds to develop specialised staff in their countries in order to fight wildlife trafficking. The allocated funds should be reported, monitored, and evaluated as part of the implementation of the action plan at national level. The resources should include equipment as well as staff. Furthermore, staff should enjoy high-quality working conditions, with full collective bargaining rights and a progressive career structure. This is key to attracting the best people and maintaining high levels of motivation. Particular attention should be paid to issues surrounding health, welfare and personal safety.

1.4. Tackling wildlife trafficking should be mainstreamed across policy areas at EU and Member State level. There should be homogenous and a minimum level of training for all actors involved in preventing wildlife trafficking, and adapted capacity building depending on the skills required in the different domains where wildlife trafficking is mainstreamed. Specialised units or staff should be trained among prosecutors, judges, customs officers, national CITES authorities and police authorities. They should be able to detect, arrest those involved in, prosecute and judge wildlife crimes.

1.5. Homogenous structures should also be put in place in all Member States, which the EESC recommends take the form of inter-agency committees and specialised units or staff trained to combat wildlife trafficking. These inter-agency committees would include representatives of specialised units to fight wildlife trafficking. Inter-agency committees would be

particularly useful in consulting and organising joint investigations within the Member States with other agencies that focus on other illegal activities, such as financial crimes and cybercrimes. These are usually connected to wildlife trafficking, as organised criminals can and do use their channels for other kinds of crime (such as drug trafficking and money laundering) to traffic wildlife products. Dedicated channels for communication and collaboration should be established with social partners and civil society.

1.6. Including due diligence obligations for companies trading in the EU — through an ambitious corporate sustainability due diligence directive — could incentivise companies to trade sustainably harvested wildlife in the first place and deter them from entering illegal activities and help enforcement agencies detect criminals.

1.7. The EESC believes that it is important to engage with business sectors involved in wildlife trade to reduce the demand of wildlife products in the EU and to cut down illegal wildlife product importation. The plan provides for thematic sessions with the EU Wildlife Trade Enforcement Group for relevant business representatives to address specific issues (e.g. traditional medicine, exotic pets, the luxury industry, hunting tourism, timber, the fishing and fish-product trade industries, transport, courier companies and online trade). However, coordinated information campaigns for the general public (specifically aimed at reducing demand) should be a key feature of the strategy. CSOs could also play a role in cutting demand by raising awareness and conducting demand-reduction campaigns targeted towards communities that consume illegal wildlife products in the EU.

1.8. The EESC calls upon the Commission to involve national and supranational law enforcement bodies in increasing the visibility of the prevention and prosecution of trade in endangered species as part of their communication about organised crime, both in their permanent communication tools and through temporary targeted campaigns.

1.9. Lastly, it is of crucial importance that the European Commission set up a clear and ambitious monitoring and evaluation mechanism to follow up on the implementation of the action plan, and to measure its progress and success, taking into account the EU's external action to combat wildlife trafficking (in line with Priority 4).

2. Background

2.1. Wildlife trafficking has become one of the world's most lucrative organised criminal activities, which the European Commission estimates is worth up to EUR 20 billion a year⁽¹⁾ globally. Worldwide, illegal wildlife trade has grown exponentially in recent years because it is considered a low-risk, high-return activity.

2.2. Despite its comprehensive legal framework for wildlife protection, the European Union is an important final market and transit platform for illegally traded wildlife. The EU's significance as a market for illegal wildlife products is detailed in the annual reports of large seizures, which the European Commission has requested yearly since 2011.

2.3. Acknowledging that the EU is a major market for wildlife products, the European Commission has made unprecedented efforts to raise awareness among businesses, consumers and the general public of the features and scale of wildlife trafficking in Europe. As a result, in February 2016, the European Commission adopted the EU Action Plan against Wildlife Trafficking⁽²⁾, which sets out a comprehensive blueprint for fighting wildlife trafficking inside the EU, and for strengthening the EU's role in the global fight against these illegal activities. Despite successfully raising the profile of wildlife trafficking to a priority issue, the action plan has had little impact on reducing demand. TRAFFIC⁽³⁾ issued a report⁽⁴⁾ compiling the data of all seizures which fell under the Convention on Trade in Endangered Species (CITES) for 2018, which shows that the demand in the EU for wildlife species did not change from when the first data was gathered in 2011.

⁽¹⁾ https://ec.europa.eu/environment/cites/infographics_en.htm.

⁽²⁾ https://ec.europa.eu/environment/cites/trafficking_en.htm.

⁽³⁾ <https://www.traffic.org/>.

⁽⁴⁾ <https://www.traffic.org/site/assets/files/12745/eu-seizures-report-2020-final-web.pdf>.

2.4. The most recent report from TRAFFIC on seizures in 2020 ⁽⁵⁾ reflects the impact of the COVID-19 pandemic on wildlife trafficking. Less trade triggered by COVID-19-associated disruptions to air transport, commerce operations, and other interfaces for transporting or selling goods is likely to have been a contributing factor to the decline in reported seizures. A significant reduction in interceptions in the EU in 2020 was observed, although this does not necessarily indicate shifts in demand or changes in illegal wildlife trade dynamics.

2.5. In addition to being an import market, the EU is also a source region for some endangered species, such as the European eel (*Anguilla anguilla*). From 2016 to 2017, 48 people were arrested and 4 000 kg of live juvenile eels, worth about EUR 4 million, were seized. Moreover, not all illicit wildlife entering Europe is destined for European markets, with the EU often acting as a staging post. Enforcement bodies often seize pangolins, seahorses, ivory and shark fins destined for Asia from Africa.

3. General comments

3.1. The EU must remain vigilant and multiply its efforts to halt and reverse wildlife trafficking. Not only is this lucrative trade a risk to human health due to the risk of zoonotic disease transmission, it also directly undermines EU policies to support sustainable development worldwide, particularly the Sustainable Development Goals related to protecting global biodiversity and ecosystems ⁽⁶⁾, as well as efforts to strengthen good governance and address inequalities.

3.2. Wildlife trafficking today is not only bringing many species (including some iconic species) to the brink of extinction, but also hindering sustainable economic development ⁽⁷⁾. In short, the EU Action Plan against Wildlife Trafficking needs to be well implemented to meet the EU's international environmental agreements, especially the CITES and the Convention on Biological Diversity (CBD). However, the EESC encourages the European Commission to go beyond these international agreements in order to improve wildlife protection in the EU and curb wildlife trafficking, the benefits of which would be seen not only in the EU but also worldwide. Wildlife trafficking is one of the main drivers of biodiversity loss, which, besides bringing many species to extinction, is contributing to climate change by fomenting the illegal logging of trees, which are imperative for storing carbon.

3.3. Equally important is the fact that we need to stop transnational organised crime and its fatal consequences. According to a UNEP-Interpol report, environmental crime is up 26 % ⁽⁸⁾. This includes wildlife trafficking and is a threat to peace, security and the rule of law, and often converges with other serious crimes such as corruption, cybercrime and financial crimes. In some African regions, for example, wildlife trafficking threatens national security. Murder and assassination must also be mentioned here, as people in charge of protecting endangered species face a real threat to their lives and pay a heavy price for their commitment. The Thin Green Line Foundation found that there were 595 reported deaths of rangers killed by poachers between 2009 and 2016. Hundreds more unknown rangers were also killed in developing countries, which went unreported. 'In 2017, over 100 rangers were reported killed, and 2018 is on track for the same, with nearly two deaths per week' ⁽⁹⁾.

3.4. The EESC welcomes the revision of the EU Action Plan against Wildlife Trafficking, and the decision to bring wildlife trafficking into the core of European Commission action. The EESC agrees with the European Commission's assessment of the previous EU Action Plan against Wildlife Trafficking showing that a lack of specialised staff, resources and training in many of the Member States and non-EU countries remains a major issue. There is also an important need to improve cooperation: (i) within EU Member States; (ii) among EU Member States; (iii) between the EU and non-EU countries; and (iv) with stakeholders and civil society. Moreover, more should be done in assuring digital traceability and digital cooperation among agencies.

⁽⁵⁾ https://www.traffic.org/site/assets/files/17391/2020_eu_seizures_report_final.pdf.

⁽⁶⁾ <https://sustainabledevelopment.un.org/topics/biodiversityandecosystems>.

⁽⁷⁾ Extract from a European Commission analysis conclusion: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016SC0038>.

⁽⁸⁾ UNEP-INTERPOL Report: Value of Environmental Crime up 26 %.

⁽⁹⁾ <https://globalconservation.org/news/over-one-thousand-park-rangers-die-10-years-protecting-our-parks/>.

3.5. The EESC welcomes the fact that the European Commission has linked the revision of the Environmental Crime Directive to the EU Action Plan against Wildlife Trafficking. However, is concerned that the Environmental Crime Directive will not be up to the task of providing effective and dissuasive sanctions for wildlife trafficking. On 9 December 2022, the Council adopted its position on the file and significantly lowered the penalties for natural persons, while also reducing ambitions to harmonise sanctions for legal persons. Levels proposed by the Council are too low to be dissuasive and effective. Maximum fine limits should not be less than 15 % of the legal person's total worldwide turnover — much higher than the 5 % or 3 % which were adopted by the Council. We believe that an ambitious Environmental Crime Directive is essential for achieving a successful EU Action Plan against Wildlife Trafficking.

4. Specific comments

4.1. The action plan should make explicit reference to whistle-blowers and other environmental human rights defenders as relevant stakeholders in developing and implementing it at EU and national levels, as they play a key role in exposing and preventing breaches of environmental law. These people should also be protected from intimidation or litigation when reporting wildlife trafficking or assisting investigations, as currently stated in the Environmental Crime Directive.

4.2. The EESC believes that it is important to engage with business sectors involved in wildlife trade to reduce the demand of wildlife products in the EU and to cut down illegal wildlife trade and ensure that any trade in wildlife is legal and sustainable. The plan provides for thematic sessions with the EU Wildlife Trade Enforcement Group for relevant business representatives to address specific issues (e.g. traditional medicine, exotic pets, the luxury industry, hunting tourism, timber, the fishing and fish-product trade industries, transport, courier companies and online trade). However, the role that CSOs can play to support efforts to combat wildlife trafficking should be better recognised and reflected in the action plan and through its implementation (e.g. raising awareness and conducting behaviour-change campaigns). The information provided by the EU to its citizens about the rules, risks and consequences of trading and using wildlife products is not widely disseminated, yet information on practices and the use of traditional medicine (involving the use of parts and derivatives from wild fauna and flora for remedies) are widely spread across the EU. This practice bears risks for users (as some remedies do not have scientifically proven benefits) and fatal consequences for the wild species caught and traded (accelerating their extinction). With more prevention on this specific topic, the EU could cut down up to 30 % of wildlife products trafficked each year, as this number corresponds to the rate of seized wildlife products destined for medicinal use in the EU ⁽¹⁰⁾. In this sense, the EESC and law enforcement agencies could also be involved in developing public campaigns to raise awareness about the problem.

4.3. When assigning clear responsibilities for implementing actions at national level and ensuring coordination between the relevant actors, the EESC recommends homogeneity in all Member States. Giving options such as those reflected in the plan to ensure coordination (for instance: (i) through the creation of inter-agency committees or memoranda of understanding; (ii) through the adoption of national action plans; or (iii) through the appointment of a national focal point) will lead to uncertainty, as Member States will choose different options. Developing inter-agency committees at national level, with an appointed focal point for each will help implement the action plan.

4.4. It is crucial that these inter-agency committees and specialised staff or units be trained homogeneously in all 27 Member States. This would facilitate cooperation within and between Member States because staff would react, investigate, and prosecute in the same way. The fact that each inter-agency would have a focal point would also improve cooperation and coordination among Member States and with third countries outside the EU. Having a focal point would improve cooperation because it makes it easier and faster for inter-agency committees and specialised staff in Member States to contact each other, especially when an urgent need arises due to cross-border trafficking. Focal points could make cooperation among Member States more agile, without depending on international bodies such as Europol for more localised cases affecting two countries. However, these groups could be at risk and become targets of organised criminals. Detailed information about the focal points should be restricted to law enforcement agencies and judicial authority spheres in order to protect the identities of staff.

⁽¹⁰⁾ Council agrees its negotiating mandate on the environmental crime directive — Consilium (europa.eu).

4.5. Regarding the implementation of the EU action plan against wildlife trafficking, EU Member States reported that due to a lack of resources and staff it was difficult for them to enforce operations. Hence again the importance of ensuring Member States commit to dedicating sufficient resources to implement the new EU action plan at national level. Also, resources are important for providing decent working conditions for the staff.

4.6. The text should explicitly state that Member States commit to providing sufficient funds to develop specialised staff in their countries with the aim of fighting wildlife trafficking. The allocated funds should be reported, monitored, and evaluated as part of the implementation of the action plan at national level. The resources should include not only staff but also equipment. Furthermore, staff should enjoy high-quality working conditions, with full collective bargaining rights and a progressive career structure. This is key to attracting the best people and maintaining high levels of motivation. Particular attention should be paid to issues surrounding health, welfare and personal safety. There should be homogenous training for all actors involved in preventing wildlife trafficking, and homogenous structures set up in all Member States, which the EESC recommends take the form of inter-agency committees and specialised units or staff trained to combat wildlife trafficking.

4.7. The action plan highlights the role of different international agencies and initiatives such as EMPACT, which is a flagship instrument for multidisciplinary and multiagency operational cooperation to fight organised crime at EU level. EMPACT could be a key instrument for implementing the EU Action Plan against Wildlife Trafficking. For instance, it could organise trainings for the inter-agency committees and specialised staff in all Members States in a homogenous way.

4.8. Preventing illegal hunting activities, especially for trophies, should be covered by the EU Action Plan against Wildlife Trafficking. In the Carpathian Mountains, for example, bears are hunted illegally, with poachers receiving low penalties which are not deterrent enough.

4.9. The EESC agrees with the suggestion that EMPACT coordinates regular joint operations involving cross-border cooperation with EU Member States, the European Commission (OLAF), and relevant EU agencies such as Eurojust, Frontex, Europol and the European Fisheries Control Agency. Once more, in order to ensure effective cooperation, proper resource allocation at national level is essential.

4.10. Regarding trade policies and instruments to support action against wildlife trafficking, the EESC welcomes the proposal for including ambitious commitments to combat wildlife trafficking in future free trade agreements. However, this will not be enough to curb wildlife trafficking. EU efforts to increase opportunities for international trade and investment will be futile and counterproductive if the EU does not urgently fill in the gaps in law enforcement. Digital product passports could also serve the same purpose. They could increase traceability and transparency on the risks in global supply chains, and help joint international control mechanisms and enforcement efforts, as well as ensure that people and consumers have the same level of information on the products that they buy, regardless of their origin.

Brussels, 22 March 2023.

The President
of the European Economic and Social Committee
Christa SCHWENG
