

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 on an EU Action Plan against Wildlife Trafficking

[COM(2016) 87 final]

(2016/C 389/10)

Rapporteur: Cillian LOHAN

On 4 March 2016, the European Commission decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, on the:

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an EU Action Plan against Wildlife Trafficking

[COM(2016) 87 final].

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 30 June 2016.

At its 518th plenary session, held on 13 and 14 July 2016 (meeting of 14 July), the European Economic and Social Committee adopted the following opinion by 143 votes in favour without abstentions.

1. Conclusions and recommendations

1.1. The EESC welcomes the Commission's proposal on an EU Action Plan against Wildlife Trafficking and is pleased to note the inclusion of a number of key proposals set out in its previous opinion on this issue.

1.2. The Committee considers the holistic approach, including a worldwide alliance involving source, transit and demand countries, to be a fundamental cornerstone in fighting the direct and indirect impacts of wildlife trafficking.

1.3. The EESC identifies different priority actions for different levels of the supply chain in trafficking.

- At the community level in source countries, the priority must be both awareness and creation of sustainable sources of jobs and income.
- At the organised crime level, the priority is both enforcing a system of common, effective, proportional and dissuasive controls and sanctions, and providing the resources for the policing efforts.
- At the demand level, both from the perspective of businesses and consumers, the priority must be awareness-raising, traceability and labelling. This should be applied specifically at European level.
- At the judiciary level, the priority must be on enforcement through focused training of judges to ensure that there is consistency and proportionality in sentencing.

1.4. The EESC believes that structured dialogue and cooperation with third countries should be enforced by including the fight against wildlife trafficking as a prerequisite for all EU bilateral and multilateral trade agreements. The impact of EU foreign policies directed towards sustainable development in third countries will have to be measured firstly in terms of quality of life and alternative sustainable sources of income and employment for the rural populations, in line with the UN 2030 Sustainable Development Agenda.

1.5. The Committee, in line with the London Declaration, underlines the need for a labelling and traceability system to guarantee that trade in wildlife is lawful and sustainable.

1.6. The EESC regrets the absence in the Commission proposal of any reference to the threat represented by wildlife trafficking to public health and to native animal and plant species. The Committee emphasises that the labelling and traceability systems mentioned earlier, together with an appropriate veterinary and plant health control mechanism, can help to counter the emergence and spread of such diseases around the world.

1.7. The Committee proposes that the Commission should place much greater importance on the impact of e-commerce on wildlife trafficking and implement specific measures to protect the legal and sustainable wildlife trade from the illegal trade, run through a distorted use of e-commerce websites and social media or with specific illicit networks created in the deep-web.

1.8. The EESC highlights the importance of the upcoming 17th meeting of the Conference of the Parties (CoP17) to CITES and urges the EU to take a strong position to support the objectives of this Action Plan. The EESC calls for the Commission to support the proposal for the closure of domestic markets for ivory as a critical contribution to the prevention of the threat of extinction to African elephants.

2. Introduction

2.1. Wildlife trafficking is not a new phenomenon⁽¹⁾, but its scale, nature and impact have changed considerably in recent years⁽²⁾. Its fast and wide growth make the trafficking of wildlife one of the most serious forms of organised crime together with trafficking in human beings, drugs and weapons, with an estimated turnover of between EUR 8 and EUR 20 billion per year.

2.2. Wildlife trafficking has become one of the most profitable illegal activities in the world thanks to strong demand⁽³⁾ and low risk (detection and sanctions). In comparison with other types of crime, it is assigned much lower priority and far fewer resources are committed to combating it. Sanctions applied are inconsistent and uneven, even within the EU, which encourages international criminal organisations to move to countries with less severe penalties or where the competent authorities are less effective.

2.3. The impact of wildlife trafficking is measurable and visible, and not only from an environmental point of view⁽⁴⁾. For this reason, loss of biodiversity, deforestation⁽⁵⁾, potential extinction of the most iconic species⁽⁶⁾ and fish stocks reduction⁽⁷⁾ are just a partial consequence of an even more dangerous phenomenon.

⁽¹⁾ The definition of wildlife trafficking covers the international and non-international illegal trade in wild animals, plants and derived products, and closely linked offences such as poaching.

⁽²⁾ Between 2007 and 2013, poaching increased to such an extent that it cancelled out the recovery achieved over the previous three decades, representing a real threat to biodiversity conservation and sustainable development. For instance, every year between 20 000 and 25 000 elephants are killed in Africa for ivory, and as many as 100 000 were killed between 2010 and 2012 alone.

⁽³⁾ Trafficking is on the rise, driven by the growing demand for wildlife products such as ivory, rhinoceros horn and tiger bones, especially in certain Asian countries (e.g. China and Vietnam).

⁽⁴⁾ The impact of wildlife trafficking on nature can be amplified by other factors such as globalised consumption, unsustainable soil use, climate change, over-exploitation of medicinal plants and intensive tourism, involving hunting.

⁽⁵⁾ Illegal logging accounts for up to 30 % of the global timber trade and for more than 50 % of deforestation in Central Africa, the Amazon and South East Asia, depriving indigenous populations of important opportunities for sustainable development.

⁽⁶⁾ Due to poaching, the Western Black Rhinoceros was declared extinct by the International Union for Conservation of Nature and Natural Resources (IUCN) in 2011.

⁽⁷⁾ Illegal fishing is estimated to account for 19 % of the reported value of catches.

2.4. Wildlife trafficking is closely connected to other illegal activities of international criminal organisations, including money laundering and corruption, as highlighted in the recent United Nations Office on Drugs and Crime (UNODC) report ⁽⁸⁾.

2.5. Wildlife trafficking is a danger to global security. It fuels conflicts and threatens regional and national security by providing a source of funding for militia groups and terrorist networks ⁽⁹⁾.

2.6. Wildlife trafficking poses a threat to public health and to native animal and plant species. Avoiding proper plant health controls exposes native species to significant risk of contagion from new pathogens ⁽¹⁰⁾. An estimated 75 % of emerging infectious diseases are of animal origin, the majority of which originate in wildlife ⁽¹¹⁾.

2.7. The theft of endangered species is another relevant problem that has not been sufficiently highlighted. In EAZA ⁽¹²⁾ zoos, 739 animals of 44 species have been stolen since 2000, with many of them never retrieved. Endangered primate and bird species have been popular targets, and this creates welfare and biodiversity problems for the breeding programmes of these rare species.

2.8. The Convention on International Trade in Endangered Species (CITES) is critical in the fight against wildlife trafficking. In 2013, the UN launched a strong political campaign ⁽¹³⁾ on this subject culminating in the first specific Resolution adopted by the General Assembly in July 2015 ⁽¹⁴⁾. As a result, the international community started a parallel pathway aiming to create a worldwide alliance that involves wildlife source, transit and destination countries, which led to the signing of the London Declaration ⁽¹⁵⁾ in February 2014.

2.9. The EU, as a major destination for illegal wildlife products as well as a vital hub for trafficking originating in Africa, Latin America and Asia, has a key role to play. In 2014, the European Parliament urged the Commission to draw up an EU action plan to tackle illicit trafficking in wildlife ⁽¹⁶⁾. The resulting Commission communication on the EU approach against wildlife trafficking ⁽¹⁷⁾ was strongly supported by the EESC in an opinion ⁽¹⁸⁾.

2.10. Business sectors are directly or indirectly affected by illicit wildlife trafficking, both the enterprises involved in legal and sustainable wildlife trade (i.e.: luxury industry, pet sector and traditional Chinese medicine) and also the enterprises indirectly involved (i.e.: transport companies, couriers and online trading companies). In recognition of this, many companies have introduced a range of initiatives against illegal wildlife trafficking such as certification schemes and individual or multiple company CSR ⁽¹⁹⁾.

⁽⁸⁾ UNODC, World Wildlife Crime Report: Trafficking in protected species, 2016.

⁽⁹⁾ European Commission, Communication on an Action Plan for strengthening the fight against terrorist financing, COM(2016) 50 final

⁽¹⁰⁾ OJ C 424, 26.11.2014, p. 52.

⁽¹¹⁾ WWF Report — http://awsassets.panda.org/downloads/wwffightingillicitwildlifetrafficking_lr.pdf

⁽¹²⁾ The European Association of Zoos and Aquaria (EAZA) is the leading organisation in this sector, with 377 member institutions in 43 countries throughout Europe and the Middle East.

⁽¹³⁾ A Resolution, adopted in 2013 by the UN Commission for Crime Prevention and Criminal Justice and endorsed by the UN Economic and Social Council, identified wildlife trafficking as a form of 'serious organised crime' committed by the same types of global organised criminal groups as those responsible for activities such as trafficking in human beings, drugs and firearms.

⁽¹⁴⁾ UN Resolution 69/314, *Tackling illicit trafficking in wildlife*, 30 July 2015.

⁽¹⁵⁾ The London Declaration was signed by Heads of State, ministers and representatives of 46 countries at the Conference on the Illegal Wildlife Trade in 2014. The declaration sets new standards in combating wildlife trafficking, including amending current legislation to categorise poaching and wildlife trafficking as 'serious crimes', banning the use of species threatened with extinction, strengthening cross-border cooperation and coordinating wildlife enforcement networks.

⁽¹⁶⁾ European Parliament resolution of 15 January 2014 on wildlife crime (2013/2747(RSP)).

⁽¹⁷⁾ Communication from the Commission to the Council and the European Parliament on the EU Approach against Wildlife Trafficking — COM(2014) 64 final.

⁽¹⁸⁾ See footnote 10.

⁽¹⁹⁾ Ricardo Energy & Environment 'Strengthening cooperation with business sectors against illegal trade in wildlife'. Report for EC DG Environment, 2015.

3. Summary of the Commission proposal

3.1. The Action Plan aims to improve cooperation between all the players concerned, make more effective use of existing tools and policies, and strengthen synergies between them. The results achieved by the action plan will be evaluated in 2020.

3.2. The measures are based on three priorities:

- Preventing wildlife trafficking,
- Implementing and enforcing existing rules,
- Strengthening the global partnerships between source, consumer and transit countries.

3.3. In order to tackle the causes of wildlife trafficking, the EU will focus on four areas:

- Reduce the demand,
- Involve rural communities in wildlife conservation,
- Increase business-sector engagement,
- Tackle corruption.

4. General comments

4.1. The EESC welcomes the Commission's proposal and considers the EU Action Plan against Wildlife Trafficking to be an essential tool for tackling this vast and dangerous phenomenon. The analysis of the failures of existing structures to combat the growth in wildlife trafficking in the accompanying staff working document should help inform any future additional assessments and actions⁽²⁰⁾.

4.2. The Committee is pleased to note the inclusion of a number of key proposals set out in its previous opinion on wildlife trafficking⁽²¹⁾.

4.3. The EESC considers the holistic approach to be a critical cornerstone of the EU Action Plan due to the complex multi-faceted dimensions of wildlife trafficking and its direct and indirect impact.

4.4. The EESC agrees that the starting point for the strategy will be compliance with, and reinforcement and coordination of, existing international agreements (particularly CITES), laws, regulations, policies and enforcement instruments, in the form of closer integration of all the relevant sectors — environmental protection, customs controls, the courts, business interests, combating organised crime, etc. — and more effective cooperation between the authorities in wildlife source, transit and demand countries.

4.5. The Committee believes that the EU will not be able to fight effectively against organised wildlife crime until certain goals (referred to in the Annex to the proposal) have been achieved:

- All Member States must comply as soon as possible with existing EU wildlife legislation.

⁽²⁰⁾ European Commission, Analysis and Evidence in support of the EU Action Plan against Wildlife Trafficking, Commission Staff Working Document, SWD (2016) 38 final.

⁽²¹⁾ See footnote 10.

- Improve a joint mechanism for cooperation, coordination, communication and data flow between the competent enforcement agencies in the Member States, with a specific strategy on cross-border operations and investigations, including developing a common register of traffickers.
- Undertake an appropriate system of uniform and regular training and awareness-raising targeting the entire enforcement/judiciary chain involved in combating wildlife trafficking, including experts in organised crime, cybercrime and related illicit financial flows.
- Member States will have to bring their legislation into line with international agreements, ensuring that wildlife trafficking is a serious crime punishable by imprisonment for at least four years and including it among crimes covered by measures combating money laundering and corruption.

4.6. The proposal to create a worldwide alliance against wildlife trafficking in order to establish a structured dialogue and cooperation with source, transit and consumer countries, including national governments, local communities, civil society and the private sector, will greatly support the aims of the Plan.

4.7. The EESC identifies different priority actions for different levels of the supply chain in trafficking.

- At the community level in source countries, the priority must be both awareness and creation of sustainable sources of jobs and income.
- At the organised crime level, the priority is both enforcing a system of common, effective, proportional, and dissuasive controls and sanctions, and providing the resources for the policing efforts.
- At the demand level, both from the perspective of businesses and consumers, the priority must be awareness raising, traceability and labelling. This should be applied specifically at European level.
- At the judiciary level, the priority must be on enforcement through focused training of judges to ensure that there is consistency and proportionality in sentencing.

4.8. The EESC agrees that more funds and more targeted initiatives are needed to combat illegal wildlife trafficking in source countries. For example, the EESC supports the Commission's proposal to make the fight against wildlife trafficking a prerequisite for all EU bilateral and multilateral trade agreements.

4.9. The Committee considers the role of civil society in tackling and preventing wildlife trafficking to be crucial in both source and demand countries. The Committee attaches particular importance to the active and conscious involvement of consumers and the private sector in order to encourage sustainable sourcing of wildlife products, supported by the introduction of a labelling and traceability system.

4.10. The EESC believes that rural populations must be involved in effective development pathways so that they can benefit from wildlife protection (e.g. eco-tourism). The transition to a sustainable economy in third countries will have to be measured and evaluated firstly in terms of quality of life and employment opportunities, and will have to be in line with the UN 2030 Sustainable Development Agenda and the related Sustainable Development Goals (SDGs).

4.11. The EESC highlights the need to provide third country populations involved in the earliest stages of wildlife trafficking with alternative sustainable sources of income and employment. This can take the form of eco-tourism or indeed of maximising the return opportunities from ecosystem services of the local habitat and wildlife.

4.12. The EESC highlights the need for engagement with the business sector to facilitate a two-way discussion and flow of information in order to ensure the business sector plays a positive role in fighting wildlife trafficking. A strategy for dealing with these problems cannot take place in a vacuum that excludes private business.

5. Specific comments

5.1. The EESC proposes to undertake a broad European awareness-raising campaign in order to involve consumers and the private sector in reducing the supply and demand of illegal wildlife products. Due to the broad definition of 'wildlife trafficking', the Committee recommends focusing on non-iconic plants and animals ⁽²²⁾ and derived products ⁽²³⁾ as well.

5.2. The EESC reiterates its willingness to support and participate in initiatives the EU may wish to undertake, e.g. drawing on the EU-Africa network of economic and social players set up at the Committee. The EESC would welcome any initiative by the Commission to establish a forum for discussion on the implementation of the Action Plan and would also be open to the option of hosting an event on this.

5.3. The EESC echoes the London Declaration, calling for specific measures to ensure that the private sector acts responsibly and for a labelling and traceability system to guarantee that trade in wildlife is lawful and sustainable, both economically and environmentally and from the point of view of local communities. The systems currently in place for trade in caviar and tropical wood can be taken as a reference in this regard ⁽²⁴⁾. The Zoological Information Management System (ZIMS) used by the European Association of Zoos (EAZA), could be a good reference for a common traceability system for live animals.

5.4. The Committee regrets the absence in the Commission proposal of any reference to the threat represented by wildlife trafficking to public health and to native animal and plant species. This issue is highly relevant and so the EESC urges that it be included in the EU Action Plan. The Committee emphasises that the labelling and traceability systems mentioned earlier, together with an appropriate veterinary and plant health control mechanism, can help to counter the emergence and spread of such diseases around the world. Cooperation with the European Centre for Disease Prevention and Control (ECDC) should be strengthened.

5.5. The new frontier of illegal wildlife trade is e-commerce. The EESC notes that there are several illegal e-commerce tools such as the distorted use of trading websites and social media forums or restricted specialised online platforms created in the deep-web. As regards the first case, the Committee underlines a number of best practices that should be taken into consideration by the European Commission, such as the agreement signed in June 2013 between the Italian Forestry Corps and the two main online advertising sites, 'eBay annunci' and 'Subito.it' ⁽²⁵⁾; more information is included for the benefit of consumers and offers considered to be suspicious can be swiftly removed. The agreement also enables advertisements to be filtered, allowing only those guaranteeing traceability of the object on sale. As regards the deep-web, the EESC proposes the creation of a specific task-force with the support of cybercrime experts.

5.6. The EESC highlights the importance of the 17th meeting of the Conference of the Parties (CoP17) to CITES, taking place in September/October 2016 in South Africa. The EU holds 28 votes and must reflect the strong positions taken by this Action Plan. Some of the proposals already put forward by the Commission will assist in tackling wildlife trafficking, including the addition of an increased number of relevant species to the CITES list. The EESC calls for the Commission to support the proposal for the closure of domestic markets for ivory as a critical contribution to the prevention of the threat of extinction to African elephants.

Brussels, 14 July 2016.

The President
of the European Economic and Social Committee
Georges DASSIS

⁽²²⁾ CITES has three appendices, which list categories of species depending on the degree of protection required, i.e. depending on how threatened they are by international trade. The appendices contain approximately 5 600 species of animals and 30 000 species of plants, protecting them against over-exploitation through international trade. This means that lesser known and less iconic species such as pangolins — one of the most trafficked species — are also threatened by illegal trade.

⁽²³⁾ The wildlife trade can involve live animals and plants but also a range of derived products due to their many potential uses (ingredients for traditional medicine, food, fuel, fodder, building materials, clothes and ornaments, etc.). <http://www.traffic.org/trade/>

⁽²⁴⁾ CITES includes a universal labelling system for the identification of caviar, which can only be imported after the appropriate permits have been obtained from the relevant authorities (www.cites.org/common/resource/reg_caviar.pdf). Concerning trade in the forestry sector, EU legislation seeks to deter trafficking in tropical wood by supporting the introduction of national traceability systems.

⁽²⁵⁾ 'Ebay Annunci' and 'Subito.it' manage 90 % of Italian e-commerce advertisements <http://www.corpoforeale.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/7388>