



European Union Network for the Implementation
and Enforcement of Environmental Law

EU ACTION PLAN AGAINST WILDLIFE TRAFFICKING – Analysis of the results of the implementation of the Project “Good practices in the implementation of the EU Action Plan Against Wildlife Trafficking”

FINAL REPORT

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Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the European Union (EU) Member States, and of other European authorities, namely from acceding and candidate countries of the EU and European Economic Area (EEA). The association is registered in Belgium and its legal seat is in Brussels, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 8th Environment Action Programme that guide European environmental policy until 2030, the EU Action Plan: "Towards a Zero Pollution for Air, Water and Soil" on Flagship 5 and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

Information on the IMPEL Network is also available through its website at: www.impel.eu

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Executive Summary Taking in consideration all the discussions and results of all the events implemented in the period 2022-2024 in relation with the IMPEL Project “Good practices in the implementation of the EU Action Plan Against Wildlife Trafficking”, this final report shows the results of the analysis of the implementation of the updated EU Action Plan against Wildlife Trafficking, taking in account the good practices in the implementation of Council Regulation (EC) no 338/97 of 9 December 1996, on the protection of species of wild fauna and flora by regulating trade therein, and the Commission Regulation (EC) no 865/2006, of 4 may 2006. Some Proposals to solve the problems encountered in the Joint Inspections: <ul style="list-style-type: none"> - EUWTR does not regulate simple possession but only trade in listed species. This is a draw back since some countries only transpose EUWTR in their legislation and do not have stricter rules for possession of exotic species. This is particularly problematic with mounted specimens or live animals that are not considered „<i>dangerous</i>” were proof of trading is difficult. Discussions at EC level are ongoing so that the EUWTR legislation also includes possession of at least Annex A species. As IMPEL and workers in the enforcement field, we should support such proposal. - Changes in the EU Regulation with the inclusion of some provisions of the „<i>Guidance document on live animals bred in captivity under the EU Wildlife Trade Regulations</i>” Annex I and the „<i>Guidance document on the Proof of legal acquisition for live animals of Annex B species and necessary documentary evidence (2019)</i>” Annex II. 	
Disclaimer	

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1. Chapter one: GUIDANCE BOOK

Practical reference document for a specialized core of Member State authorities to enable them to successfully tackle the problem of wildlife trafficking.

An update version of the Guidance Book follows in attachment (Annex I).

2. Chapter two: JOINT INSPECTIONS

2.1. PT – Portugal:

1st event:

Place: Santarém

Date: 03/12/2022

Aim: Joint inspection on an annual fair for sale of live specimens of birds, reptiles and mammals (AVISAN)

Host: ICNF – Institute for Nature Conservation and Forests and PSP - Public Security Police

Before the inspection in the AVISAN exhibition, was made a brief by the National Authority and the Policy to present the members from IMPEL joint inspection and from Policy and to distribute the participants in the teams. The inspectors assigned to this action were divided into 3 teams of 4 elements, ensuring that each team includes an expert from the National Authority and 2 elements from the Policy.

GOAL:

The main goal of the joint inspection in AVISAN was to verify the legality of the event as well as of the animals in the exhibition.

According to the Portuguese legislative framework, we would have to verify the legality of several situations:

- the legality of the trader of autochthonous and exotic specimens (in Portugal, all holders and/or traders of specimens of protected and exotic species must be registered with the competent authorities);
- the legality of specimens of species listed in CITES regulations and/or annexes;
- the legality of specimens of indigenous species;
- and the legality of specimens of alien species, including specimens of invasive alien species.

RESULTS:

All commercial stalls where protected specimens for commercial purposes. All were inspected, totalling 10 targets.

There were 3 news reports related to the lack of registration by the trader to sell exotic species.

No illegal commercialization of protected species (native or CITES) was detected.

2nd event:

Place: Porto

Date: 04/12/2022

Aim: Joint inspection on an illegal Bird market

Host: ICNF –Nature Conservation and Forests Authority and PSP - Public Security Police

Before the inspection, a briefing was held by the National Authority and the Police to present to the members from IMPEL joint inspection and from Police and to explain the status of the ongoing investigation by the Police, which included earlier vigilance.

The inspectors assigned to this action were divided into 2 groups:

- the first group consisting of 5 elements would walk unidentified and freely through the “fair”, passing by tourists or potential buyers, in order to gather information necessary for the objective of the action.

- the second group made up of 16 elements, divided into 4 teams, proceeded to arrest the flagged individuals as well as apprehend and seize the animals displayed for sale.

GOAL:

This joint inspection that took place in Porto at an illegal market called “Feira dos Passarinhos” (birds fair) had as its main objective the arrest of sellers of illegal autochthonous species and the seizure of all the animals in their possession.

RESULTS:

As a final result, 5 individuals were arrested and 71 native birds were seized, the vast majority of which were Goldfinches (*Carduelis carduelis*) from wild capture.

Four criminal proceedings and one administrative offense proceeding were instituted.

FINAL CONSIDERATIONS:

The language is the biggest difficulty in carrying out this kind of joint inspection, being necessary to talk with the sellers and to verify the documentation and it is important that teams include elements that explain to the participants from other countries what is happening.

The involvement of National Authorities is the main requirement, since the elements from other countries don't have permission/authority to access and ask for documentation.

According to the participants in the Joint Inspection, the action was fruitful. They consider that the performance of the National Authorities in the joint inspection was adequate for this specific kind of actions.

After the joint inspections it is important to have feedback and contributions from the participants for the revision of the guidance and how to perform the following joint inspections. Although there has been feedback from participants, it was only verbal.

2.2. ES – Spain:

1st event:

Place: Segovia

Date: 03/03/2023

Aim: Joint inspection on a Birds of Prey Breeding Center

Host: Ministerio de Industria, Comercio y Turismo

The visit to this breeder, by the excellence of the existing facilities and the high experience of the professionals was the best example how a breeder should operate.

GOAL:

The main goal of the joint inspection was to verify the good practices of a professional breeder and the interaction with the CITES management authority of Spain.

2nd event:

Place: Madrid

Date: 04/03/2023

Aim: Joint inspection on a Reptiles Market (EXPOTERRARIA)

Host: Ministerio de Industria, Comercio y Turismo;

Policia de Madrid

Before the inspection, a brief was held by the Municipality Police of Madrid to present to the members from IMPEL and the experts invited by the CITES management authority of Spain:

3 experts from the animal welfare department;

2 herpetologists from NGO's

1 officer from the Ministry of Ecological Transition

3 employees from a company working for the CITES M.A. Spain

12 police officers

GOAL:

This joint inspection had as its main objective legal control of the exhibitors/sellers of specimens in the market fair.

RESULTS:

30 exhibitors were inspected;

19 specimens seized;

Infractions:

One, due to lack of marking of specimens of *Agalychnis calidryas* of 0.5 cm in size. The previous administrative authority (until 1/1/2022) had this species exempt from marking, so the seizure has no legal basis in the Spanish legal system. They were taken to a private Animal Centre.

FINAL CONSIDERATIONS:

The language is the biggest difficulty in carrying out this kind of joint inspection, being necessary to talk with the sellers and to verify the documentation and it is important that teams include elements that explains to the participants from other countries what is happening.

The involvement of National Authorities is a main requirement, since the elements from other countries don't have permission/authority to access and ask for documentation.

The main difficulty was the articulation of the various entities present in the joint inspection.

Another difficulty was the identification of the species, due to the fact that there were only a few experts, as well as the legal framework for the exhibition and sale activity. The different local laws in Spain frame a permitted or prohibited activity differently depending on the location.

After the joint inspections it is important to have feedback and contributions from the participants to the revision of the guidance and how to perform the next joint inspections. Although there has been feedback from participants, it was only verbal.

2.3. DE - Germany

Place: Hamm

Date: 09/12/2023

Aim: Joint Inspection on a Reptiles Market (Terraristika)

Host: Environmental Agency of the City of Hamm; German CITES Management Authority - German Federal Agency for Nature Conservation

AIM:

The joint inspection focused in Terraristika one of the world's largest trade fair for terrarium animals, with more than 400 exhibitors and a second aim of the action was to compare previous inspections to other reptile fairs that took place in Portugal, 2-4 December 2022 and Madrid, 2-4 March 2023 .

Terraristika fair has been held in Hamm for 28 years, 4 times a year, and it was the 83rd fair.

RESULTS:

A) According to Mr. Martin from the Environmental Agency of the Hamm City, in addition to the checks in the exhibition halls that were also done in the joint inspection, there were special checks with the police and customs in the surrounding car parks. There were also intensive checks on foreign vehicles on the access roads. Apart from a few uncompleted documents, and drugs nothing was found.

B) The reality exposed by the Environmental Agency was somehow confirmed by the inspectors from the IMPEL project.

Based on the experiences seen at the joint inspection at Terraristika Hamm there is room for improvement of the quality of the inspection at the fair. Terraristika Hamm is not just a local fair, but a global event, with sellers and buyers attending from North America and Asia. The quality of the inspection at Hamm has impact all over the EU. Based on the experiences taken at the fair illegal trade appears to not be adequately addressed in and surrounding the Hamm fair:

i) The trade of reptiles surrounding the fair is extensive, both in the hotels (starting on Friday) and nearby carpark/café and this trade appeared to be overlooked by inspectors. Many convicted (global) reptile traffickers were present at the fair and were seen advertising illegally acquired species.

ii) The fair was checked before opening and during the first hour, however, hundreds/thousands of people entered the fair with animals after the fair officially opened. These people appeared to not be inspected.

iii) The inspection appeared to only focus on Annex A specimens, the much larger illegal trade in Annex B or even EU Habitat directive protected species appeared to be overlooked.

iv) The inspection consisted of a mere document check of Annex A specimens, pictures for photographic identification of Annex A and species were not always compared with the actual animals.

v) A random Annex A animal was checked on most tables (instead of a risk-based decision), which often resulted in choosing the most common species present. Even though rare, and frequently laundered species were often displayed on the same table.

vi) Inspectors appeared to have insufficient knowledge about the species they were observing and with regards to fair rules to effectively enforce regulations. The impression was given that the fact that an A was written on the box was the mere indication for a document inspection. Venomous species were offered for sale outside the room destined for venomous species, the inspectors appeared to be unaware of this. However, considering that additional inspectors needed to be brought in for the large group of foreign authorities joining the inspection, it is understandable that not all of these might have sufficient experience to conduct such inspections.

vii) It was noted that the mandate and capacity to seize or confiscate animals at the fair is very limited and identified this as a bottle-neck to adequate enforcement at the fair.

C) Some possible recommendations:

i) Increased focus on inspections at locations surrounding the fair and the days surrounding the fairs (e.g. hotels on Friday night, nearby café Del Sol during the fair).

ii) Increased focus on illegal trade in Annex B species or species protected by EU habitat directive.

iii) Request the aid of (national or international) species experts to deal with the large number of species present for a more risk-based approach.

iv) Request the aid of the organization to help check visitors bringing animals or boxes with animals to be checked at the entrance.

v) The control of Annex B specimens is more difficult due to the lack of awareness that these species are even CITES listed, because of: 1) the lack of identification and 2) they do not need an official document issued by the CITES MA and the difficulty to search in the supply chain to the origin of the specimen

vi) Though, it is clear that the control of Annex B is difficult and is also clear that legal proof of legal origin of the specimen needs to be presented at the fair because article 8 EU Reg 338/97 states: „5. *The prohibitions referred to in paragraph 1 shall also apply to specimens of the species listed in Annex B except where it can be proved to the satisfaction of the competent authority of the Member State concerned that such specimens were acquired and, if they originated outside the Community, were introduced into it, in accordance with the legislation in force for the conservation of wild fauna and flora.*” And in the guidance doc on the Proof of legal acquisition for live animals of Annex B species and necessary evidence it states: „b) *Specimens derived from captive-breeding within the EU The documents that are provided by the seller to the buyer should include at least the following: (...)*”. But there is no clear obligation to have the original document at the place/venue of the sale.

The project promoters consider it important to include a reference in the guidance book about inspections on reptile/herp markets and illegal trade combat efforts.

2.4. PT - Portugal

Place: Lisbon - Portugal

Date: 11/01/2024 - 12/01/2024

Aim: Joint Inspection on Glass Eel poachers and trafficking

Host: ICNF - Nature Conservation and Forests Authority (CITES Management Authority)

Participants: Portugal; Malta; Czech Republic; Lithuania; Kosovo; Romania; Albania

GOAL:

The main goal of the joint inspection in Lisbon was to demonstrate to IMPEL representatives how the Portuguese authorities deal with the issue of glass eel trafficking, the different roles they play in combating this type of wildlife crime and how organize themselves in carrying out their tasks. The aim was also to show how the illicit capture of glass eel is combatted, how non-selective nets in the river, are detected and how they are removed from the riverbed. It was also discussed how glass eel smugglers are detected at the airport, with glass eel in their luggage, how the profiles of these criminals are drawn up and how the arrest procedure and subsequent forensic analysis of the seized glass eel takes place. The role played by EUROPOL in combating trafficking in this type of wild species and the way in which help is provided to authorities in different EU member states was demonstrated.

RESULTS:

3 nets for illicit capture of glass eel were seized

FINAL CONSIDERATIONS:

This joint inspection was divided into three parts: the first part was a set of presentations made by the various Portuguese entities involved in combating glass eel trafficking and also a presentation made by EUROPOL. At the end of the session there was a discussion and exchange of experiences on the topic. Difficulties in combating trafficking were detected and the importance of exchanging intelligence was concluded, in order to understand the phenomenon as a whole.

The second part was a joint inspection of the Tagus River basin, with the aim of detecting and removing fishing nets that were illegally capturing glass eel. During the operation, 3 fishing nets were detected and removed. This operation revealed the commitment of resources necessary to combat the illicit capture of glass eel, namely boats, drones, a command center, vehicles and human resources. The complexity in operational terms was notable.

The third part of the joint inspection was carried out at Lisbon airport, with the intervention of Portuguese Customs and the Public Security Police. The role of Customs was explained when there is the detection and detention of glass eel trafficking couriers and the facilities where the operations carried out by the ICNF during forensic examinations of the seized glass eel take place were shown. At the Public Security Police facilities, it was demonstrated how the risk profile of glass eel smugglers is handled and the operations carried out to intercept passengers who fit this risk profile. The airport's complex video surveillance system was shown, which allows the detection of suspicious conduct tending to integrate the risk profile.

The greatest importance of this joint inspection was the discussion generated about the issue of glass eel trafficking and the exchange of experiences among the different stakeholders present at the event. It was equally important to understand the interaction between the various entities involved, including public prosecutors, police forces, and administrative authorities, working towards a common goal in combating this type of wildlife crime. The IMPEL experts had the opportunity to see the different Portuguese authorities working in their natural environment and, notably, to recognize the commitment of operational and human resources to this mission. This created also an opportunity to reflect on the actual damage to Nature caused by this type of illegal fishing, not only to the European eel species but also to all the species that make up the river basin ecosystem. The non-selectivity of the fishing nets used to capture glass eels and their extensive reach, which can cover the entire riverbed, contribute to a harmful impact on all other species.

The project promoters consider it important to include a reference in the guidance book about glass eel trafficking and its combat efforts.

2.5. RO - Romania

Place: Danube Delta

Date: 24/05/2024

Aim: joint inspection focused in repression and inspection of illegal activities of sturgeon poaching in the Danube Delta

Host: National Environmental Guard – Romania

AIM:

The aim of the IMPEL project „*Good practices in the implementation of the EU Action Plan against Wildlife Trafficking*” is to analyse the different good practices to implement the EU tools to tackle wildlife trafficking, and the build of an orientation guide was the first step to help the enforcement authorities of all IMPEL Members.

The waters of the Danube, which flow into the Black Sea, form the largest and best preserved of Europe's deltas. The Danube Delta Transboundary Biosphere Reserve hosts over 300 species of birds as well as 45 freshwater fish species in its numerous lakes and marshes. The Danube Delta is a delta that has an area of 3750 km² on the Black Sea coast, on the border between Romania and Ukraine.

Sturgeon are the most threatened, as are fish that live in shallow coastal waters. Romania, only in 2005, banned fishing at sea in the Danube Delta and the Danube. This measure was very positive, but the situation did not improve. The problem is that stocks of endangered fish are depleted faster than their life cycle. Sturgeon, for example, reach maturity late, around 12 years old, and turbot at 4 or 5 years old. However, to ensure the permanence of reserves, each species must reproduce several times. When it comes to sturgeon, more than half of the approximately 30 species are at risk of disappearing. In the last few decades alone, the juvenile population has fallen by more than 70%. Illegal sturgeon fishing and trade in Bulgaria, Romania, and Ukraine thousands of sturgeon individuals were affected between 2016 and 2023, confirming the illegal activities are continuing to push the four remaining sturgeon species in the Danube closer to extinction. Thousands of families depend on the Danube and its Delta for food, fishing and agriculture, activities linked to the river's floods and ebbs.

The joint inspection focused in repression and inspection of illegal activities of sturgeon poaching in the Danube Delta. The movement of vessels in the Danube Delta between sunset and sunrise is prohibited. Riparian vegetation allows the existence of hiding places, so that poachers and their small boats can go unnoticed by the authorities. The extensive knowledge of the Danube Delta watershed by poachers puts them in an advantageous position, in relation to the circulation of other vessels.

RESULTS:

8 fishing gears were seized in the river basin of Danube Delta/Biosphere Reservation.

2.6. LT – Lithuania

Place: Petriškių k.; North Lithuania

Date: 18-19/09/2024

Aim: Joint inspection – European bison breeder; Joint inspection and site visit: forest area, where red deer (*Cervus elaphus*) are in estrous period (saving from illegal hunting, also listening their specific songs); Joint inspection (Breeder)/Site visit (mouflon, fallow-deer and other)

Host: Department of Environmental Protection –Lithuania

AIM

The aim of the IMPEL project “Good practices in the implementation of the EU Action Plan against Wildlife Trafficking” is to analyse the different good practices to implement the EU tools to tackle wildlife trafficking, and the build of an orientation guide was the first step to help the enforcement authorities of all IMPEL Members.

OVERALL RESULTS

The Joint Inspection in Lithuania was a valuable experience, showcasing the Lithuanian Environmental Inspectorate as a governmental body which demonstrated strong investigative powers, direct access to the prosecutor, clearly defined control procedures, and effective team cooperation.

The Joint Inspection also promoted fruitful discussions, exchange of inspection practices and experiences and environmental law from different European countries

Overall, it was a little bit of a surprise the respect shown by the hunters to NP inspectors in Lithuania – at least these controlled by our group show very little if any annoyance caused by the inspection, in spite the fact that controlling all the documents and summarizing the report took some time.

The night joint inspection in the Panevėžys region was a very special and very interesting experience. The inspection was focused on illegal forest hunting. Groups were accompanied by Lithuanian nature protection inspectors, who have quite different competences in comparison to inspectors of other European countries. In some countries, like Czechia and Slovak, the hunters are controlled, or to be more precise rather not so much inspected, by a special “hunting body”, which is in fact are hunters themselves. Otherwise, the legality of the hunts could be controlled also by the police, but in practice this does not happen very often. The whole hunting business in Czechia comes under the authority of Ministry of Agriculture, whereas nature protection goes under the Ministry of the Environment. On the other hand, the system in Lithuania is completely different – all the hunting licensees, guns, documentation... is inspected on a regular basis by NP inspectors (we were said at least twice per week such inspections take place in the hunting season). In general, the competences of nature protection inspectors in some countries are quite different from these in Lithuania where inspectors can control not only on protected species, but also on regular hunting licenses.

2.7. PT - Portugal

Place: Azores - Portugal

Date: 16/11/2024

Aim: Joint inspection on a Bird Exhibition (44.^a EXPOAVES) and on a breeder of Birds of prey

Host: ICNF - Nature Conservation and Forests Authority (CITES Management Authority)

Participants: Portugal; Malta; Czech Republic; Lithuania; Kosovo; Romania; Albania

AIM:

The aim of the IMPEL project “Good practices in the implementation of the EU Action Plan against Wildlife Trafficking” is to analyse the different good practices to implement the EU tools to tackle wildlife trafficking, and the build of an orientation guide was the first step to help the enforcement authorities of all IMPEL Members.

RESULTS:

The participants had the opportunity to talk to the breeders of birds of prey and the responsible for a Bird Exhibition and asking what they thought about the appropriate Portuguese Legislation which included the obligation to a registration in the Portuguese CITES Management Authority, which implies the payment of a fee and the submission of an annual update of the collection and the request for EU Certificates for all the birds.

Participants and breeders exchanged information and experiences about captive breeding of birds of prey and falconry, indicating their main objectives and difficulties.

3. Chapter three: WORKSHOPS

3.1. IT- Italy

Place: Rome - Italy

Date: 21/04/2023

Aim: Joint inspection on a Bird Exhibition (44.^a EXPOAVES) and on a breeder of Birds of prey

Host: ISPRA - Istituto Superiore per la Protezione e la Ricerca Ambientale

Participants: Portugal; Malta; Czech Republic; Montenegro; Romania; Slovakia; UK; Belgium; Cyprus; Italy; United Kingdom.

3.2. PT - Portugal

Place: Azores - Portugal

Date: 15/11/2024

Aim: to present the results of the previous joint inspections in this IMPEL project and to share experiences

Host: IRA – Inspection Regional dos Azores

Participants: Albania, Croatia, Czech Republic, France, Greece, Kosovo; Lithuania; Malta; Montenegro, Portugal; Romania, Slovakia and The Netherlands.

AIM:

The aim of the IMPEL project “Good practices in the implementation of the EU Action Plan against Wildlife Trafficking” is to analyse the different good practices to implement the EU tools to tackle wildlife trafficking, and the build of an orientation guide was the first step to help the enforcement authorities of all IMPEL Members.

RESULTS:

The main outcomes of the workshop were:

- 1 – Summaries of the different activities carried out in the period 2022-2024 by highlighting the main results of each of them.
- 2 – Presentation of experiences in combating wildlife trafficking through interventions by three different types of actors: Public Prosecutor Office, a Public Enforcement Authority and a Non-Governmental Organization.
- 3 – Presentation on the implementation of the Action Plan in the various countries present at the workshop: Albania, Croatia, Czech Republic. France, Greece, Kosovo, Lithuania, Malta, Montenegro, Portugal, Slovakia, Romania and the The Netherlands.
- 4 - Contributions to the guidance book and for the Final Report of the Project “Good practices in the implementation of the EU Action Plan Against Wildlife Trafficking” through discussions in working groups and with all the participants, taking in account a document “Analysis and evaluation of the Implementation of the EU Wildlife Trade Regulations in different Member States” distributed by the project leaders that follows in Annex.

4. Chapter four: Lessons to learn and proposals to tackle some problems about wildlife trafficking. Analysis and evaluation of the Implementation of the EU Wildlife Trade Regulations in different Member States

I - INTRODUCTION

In order to apply uniformly in all EU Member States, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) the EU implemented the EU Wildlife Trade Regulations, that currently are, in consolidated versions:

- Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (the Basic Regulation).
- Commission Regulation (EC) No 865/2006, laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 (the Implementing Regulation).

The above mentioned EU Wildlife Trade Regulations set out rules governing wildlife trade in the European Union but Guidance is also necessary to facilitate the application of the EU Wildlife Trade Regulations across the EU on some issues.

In addition to that core legislation, the EU is implementing the EU Action Plan against Wildlife Trafficking, that specifies further the measures that should be taken for enforcement of the EU Wildlife Trade Regulations.

Furthermore, the EU Wildlife Trade Regulations not only implement the provisions of CITES and the majority of CITES Resolutions, they also go beyond the requirements of the Convention in some respects.

A - Council Regulation (EC) No 338/97:

Council Regulation (EC) No 338/97 deals with the protection of species of wild fauna and flora by regulating trade therein. It lays down the provisions for import, export and re-export as well as internal EU trade in specimens of species listed in its four Annexes. It provides for procedures and documents required for such trade (import and export permits, re-export certificates, import notifications and internal trade certificates) and it regulates the movement of live specimens. It also sets out specific requirements for Member States to ensure compliance with the Regulation and to impose adequate sanctions for infringements.

B - Commission Regulation (EC) No 865/2006:

Commission Regulation (EC) No 865/2006 lays down detailed rules for the implementation of Council Regulation (EC) No 338/97 and addresses practical aspects of its implementation. It also

implements the bulk of currently applicable recommendations of the Conference of the Parties on the interpretation and implementation of CITES provisions.

It defines additional rules for the issue, validity and use of documents needed for the import, export, re-export and internal EU trade of specimens of species listed in the four Annexes to the Basic Regulation. The standard model forms that must be used for permits, certificates, notifications and applications for these documents, as well as labels for scientific specimens, are contained in Commission Implementing Regulation (EU) No 792/2012.

Other subjects covered by this Regulation include provisions for animals born and bred in captivity, artificially propagated plants, personal and household effects and for the marking and labelling of certain specimens.

C - EU Action Plan against Wildlife Trafficking:

A revised EU Action Plan was approved on 10 November 2022 in order to put an end to wildlife trafficking. The revised plan, which builds on the original Action Plan adopted in 2016, directs EU efforts in combating wildlife trafficking (until 2027) and follows on the European Parliament's 2022 adopted resolution on the fight against illegal trade in wildlife fauna and flora.

In the updated Action Plan, four primary priorities stand out:

- Preventing wildlife trafficking and addressing its underlying causes by lowering consumer demand for wildlife that is being trafficked illegally, promoting sustainable livelihoods in the source nations, and combating corruption on all levels;
- Strengthening the legal and policy framework against wildlife trafficking through engagement with corporate sectors active in the wildlife trade, aligning EU and national policies with international commitments, and referring to the most recent research in this field;
- Effectively enforcing laws and policies to combat wildlife trafficking by increasing the rate of illegal activity detection within the EU, putting an emphasis on capacity-building along the entire enforcement chain, promoting coordination and cooperation within and between Member States, and stepping up efforts to address the online aspects of wildlife trafficking;
- Strengthening the global partnership for source, consumer, and transit countries in the fight against wildlife trafficking by boosting the capacity and coordination between the Member States, EU enforcement actors, and important non-EU nations.

II - IMPEL Project „EU Action Plan Against Wildlife Trafficking”

EU Action Plan Against Wildlife Trafficking project intends to analyse and evaluate the Implementation of the EU Wildlife Trade Regulations in different Member States by carrying out workshops and joint inspections in different Member States, using a tool worked on in the first phase of the project: *„Good Practices in the Implementation of the EU Action Plan against Wildlife Trafficking”*.

The general goal of the project is to publicize and test a reference guide to a core group of implementing enforcement authorities of the EU Member States that enable them to successfully tackle the problem of the wildlife trafficking. This includes:

- Exchange of solutions concerning implementation problems.
- Facilitating implementation and interpretation of available tools.
- Workshops on testing and improving the reference guide.
- Joint inspections.
- Web applications.
- Identifying implementation gaps.
- Overview on the approaches in different European countries.
- Cooperation between actors from the compliance chain, also on defining consistent solutions for implementation problems.

III - Analysis and evaluation of the Implementation of the EU Wildlife Trade Regulations in different Member States

So far, joint inspections have been carried out in Germany, Lithuania, Romania, Spain, The Netherlands and Portugal (three different Inspections) and two workshops, in Italy and Portugal.

Overall, although the participants in the joint inspections and workshops considered these actions to be and were very useful and that the document “Good Practices in the Implementation of the EU Action Plan against Wildlife Trafficking” is a good working tool, the conclusions on the uniformity of actions in the different Member States visited and on the effectiveness of the Community regulations in preventing and controlling wildlife trafficking were not so positive.

Main positive outcomes of the project „*EU Action Plan Against Wildlife Trafficking*”:

- Sharing of good practices in the implementation of an inspection action;
- Facilitation of the implementation and interpretation of available tools, in particular the document „*Good Practices in the Implementation of the EU Action Plan against Wildlife Trafficking*”;
- Knowledge of new problems and situations and actions to solve them;
- Cooperation between different stakeholders;
- Identification of implementation gaps.

On the other hand, there have been some negative and worrying aspects regarding the possibility of preventing and controlling wildlife trafficking:

- Lack of knowledge of the provisions of the Community regulations;
- Difficulties in identifying species;
- Difficulties in recognising which legislation to use;
- Lack of EU legislation to regulate the possession and legal origin of specimens of species not listed in CITES;
- Lack of objective Community legislation to regulate the possession and legal origin of specimens of species listed in Annexes B and C of Community regulations;
- Impossibility of detecting the origin of specimens due to the lack of obligation for them to be marked;
- Difficulties finding appropriate solutions for seized specimens.
- Difficulty in implementing Community regulations due to the existence of diverse national legislation;
- Difficulty in cooperation between different national authorities.

III.A. After some discussions about those topics, the participants share the following thoughts:

- Difficulties in identifying species and finding appropriate solutions for seized specimens.

Inspections activities and related actions should be carried out in accordance with the legislative framework of each Member State, but with scientific support. There are many situations when different confiscated species must be identified and, depending on the species, the conditions that must be carried out for medical verification, release into the natural environment or sending to different specialized centres (zoos, menageries, rescue centres, museums, etc.) are established. For instance, some countries do not have specialists in all scientific domains (dendrology, ornithology, herpetology, chiropterology, etc.) to carry out the identification process by species, correlated with their habitats and to establish the conditions under which the seized specimens can be released into the natural environment or placed in specialized institutions. For this reason, we need to implement different protocols with specialized institutions which can provide experts to work together with the inspector teams.

We also believe that the process of releasing confiscated indigenous species into their natural habitats should be carried out under strictly scientific coordination and in accordance with existing studies. For example, due the legislation, in some MS, wild species are not allowed to be released into protected natural areas, unless based on scientific studies that justify this.

One option is to have storage holders. These holders have a contract with the government and are controlled by the authorities yearly. If live animals are confiscated the holder is paid according to a fixed amount. In generally, this works very well.

- Lack of knowledge of the provisions of the european regulations and difficulties in recognising which legislation to use:

This is an issue that has to be solved at national level and in need of the specific inspectorates.

Authorities with competences in EUWTR regulations are responsible for explanation of the provisions in relation to national legislation and enforcement at national level. Part of that is the role of the CITES Management Authorities or an Administrative Law Enforcement Service also important for the specific knowledge of the provisions. The guidance book formulated as part of this project makes it easier to do this. An even more simplified version of this book or a schematic poster to affix in places such as airports and mail

In the most cases, environmental legislation (CITES, EUWTR, Bird Directive, Bern and Bonn conventions and derived national legislation) can be used. Sometimes, in combination with legislation regarding common offences, like forgery, money laundering, scam and membership of a criminal organization and even veterinary legislation, as included in the Animal Health Regulation; can be useful to start inspections and as starting point for a criminal investigation.

This guide should be translated into the language of each MS or at least into the language of each state that had members in this project. After translation, the guide should be distributed to the national network level of the inspection and control institutions. After that, must be establish a period to be applied in the current specific activities, then the feedback should be requested by an IMPEL contact point and transmitted to the project Core Expert Team.

- Lack of EU legislation to regulate the possession and legal origin of specimens of species not listed in CITES and of one objective Community legislation to regulate the possession and legal origin of specimens of species listed in Annexes B and C of Community regulations:

Some countries implement domestic regulations that specify that importing fauna is only allowed if they are not protected in their country of origin. This is by-passed however if specimens are imported in a different member state that does not ask for such a clearance.

From the outcome of seized and investigated telephone data, it can be established that CITES legislation is „*doing his job*“. Because of the legally established requirement to demonstrate the legal origin of the involved species, illegal trade is harder and more easily to prove for enforcement agencies/institutions. And traders know that!

As an additional effect, prices are going down. People find it difficult to apply for CITES EU Certificates, to demonstrate the legal origin, to maintain an administration an so on.

CITES species are in lower demand of that, except for the „*high-end*“ species, which are still in demand for even high prices.

Fraud on that level is absolute, but very hard to beat. Not least by issuing permits on an incorrect basis in the source countries of with a false purpose code and the international playing field.

Criminal investigation on that is long-lasting and complex and it seems that these cases seem too difficult to tackle.

So, since the import ban on birds for commercial purposes in the EU, the offer was gone, but the demand was (and is) still there and high. As result criminal activities and rising prices for common birdspecies not CITES listed, are increasing and the profit margin is high.

It seems rather easy to collect non CITES birds from Asia, Africa and South America and bring them to countries that lie on the edge of the EU, often in a legal shipment, or those countries don't have any idea about this trade.

From these countries, the birds are smuggled into the EU and after that free trade of goods inside the EU.

No internal border controls, no prove of origin and an forged health certificate is often enough to show when there is an accidental control at an internal border.

Since the introduction of the Animal Health Regulation and the mandatory use of TRACES certificates for transport of animals throughout the EU, there are more tools to enforce. But the reality is that there is insufficient knowledge about the use of TRACES and certainly not about these non CITES species and the origin.

A website has been developed especially for songbirds in trade, mostly non CITES, and can easily be used for enforcement purposes. Searching on species, the availability in aviculture, possibility of captive bred, the occurrence of illegal trade and origin is information stated on this site in open access.

As known, the most fraud in CITES species, are in species listed in Annexes B, less in C and we have to make a difference in species which are very common in trade and easy to breed in captivity and are not known to be illegal traded.

Some participants came up with the idea of mandatory registration of Annex B species (already implemented in some countries). Although it may sound laborious, but work can be reduced using online systems and forms. This may also be implemented gradually, starting with „problematic“ groups eg: apes, monkeys and big cats.

- Impossibility of detecting the origin of specimens due to the lack of obligation for them to be marked:

Not all member states have obligation breeders of EUWTR species or other species to be registered and this makes the traceability of animals declared as „captive difficult“. Example Malta regularly sees Pekin robin *Leiothrix lutea* (Annex B) traded from various EU member and declared as from captive bred stock, often with paperwork declaring them as such however tracing back and confirming whether they are really captive bred is a difficult task. Again, a general

regulation/document, common for all member states would enhance traceability. The „*Guidance document on the Proof of legal acquisition for live animals of Annex B species and necessary documentary evidence (2019)*” is a step in the right directions but many countries do not seem to follow it.

As mentioned above, sometimes it is an addition of facts that makes the origin unknown or known. Also depending on which species, the availability of it and how easily that species is bred in captivity. So, it isn't only a document which can state the (i)legal origin, but a lot of other conditions that make the status complete.

- Difficulty in cooperation between different national authorities:

This issue varies from country to country, each having their different ways of governance. In the case of Malta, the Environment Authority is only responsible for implementation of EUWTR. Veterinary issues including animal welfare and dangerous animals are the responsibility of a different entity. Cooperation is always closer with Police and Customs since most criminal cases are disclosed by them. These entities would request assistance to the Environment Agency whenever they have a suspicion. All members of the working group agreed that cooperation is essential and in the case of major cases, „*task force*” between different entities have been effective.

Multidisciplinary criminal investigations are normal. Sharing of information between the different national authorities shouldn't be a problem at all.

IV – Some Proposals to solve the problems encountered in the Joint Inspections:

- EUWTR does not regulate simple possession but only trade in listed species. This is a drawback since some countries only transpose EUWTR in their legislation and do not have stricter rules for possession of exotic species. This is particularly problematic with mounted specimens or live animals that are not considered „*dangerous*” where proof of trading is difficult. Discussions at EC level are ongoing so that the EUWTR legislation also includes possession of at least Annex A species. As IMPEL and workers in the enforcement field, we should support such proposal.

- Changes in the EU Regulation with the inclusion of some provisions of the „*Guidance document on live animals bred in captivity under the EU Wildlife Trade Regulations*” Annex I and the „*Guidance document on the Proof of legal acquisition for live animals of Annex B species and necessary documentary evidence (2019)*” Annex II.

IV.I. - Examples of provisions of the „*Guidance document on live animals bred in captivity under the EU Wildlife Trade Regulations*” that should be included in the EU Wildlife Trade Regulations:

i) When assessing whether a captive-bred specimen of a species listed in Annex A or B has been acquired legally, one should consider the following general points:

— Chain of custody – as far as it is practicable, the transactions pertaining to the parental stock of the specimen bred in captivity, the captive-bred specimen itself, and the subsequent ownership of that specimen should all be chronologically documented;

—Due diligence – management authorities are encouraged to consult relevant governmental and intergovernmental bodies to check whether the specimens have been legally acquired, with respect to the obligations under CITES and the fulfilment of due-diligence requirements. These groups include inter alia the management authorities of other CITES Parties, the CITES Animals Committee, the CITES Secretariat and International Union for Conservation of Nature (IUCN) Species Survival Commission Specialist groups;

— Burden of proof – for internal EU trade and (re-)export, management authorities should require the applicant to produce documentary evidence of legal acquisition.

ii) When importing wild specimens of species listed in Annex A for breeding purposes, the following factors should be considered:

— Whether a captive-breeding project is needed for conservation purposes, taking account of similar activities elsewhere in the world and of in situ conservation efforts or the lack thereof;

— The views of the exporting countries scientific authority;

— The presentation of the case for breeding in terms of identified objectives, planning and research, in advance of importation;

— In situ population benefits derived from the removal of specimens from the wild in the range state.

IV.II. - Examples of provisions of the „Guidance document on the Proof of legal acquisition for live animals of Annex B species and necessary documentary evidence (2019)“ that should be included in the EU Wildlife Trade Regulations:

- Information to be provided to the new owner for the legal acquisition of live animals of Annex B species under Article 8(5) of Council Regulation (EC) No 338/97.

Furthermore, traders should be required to maintain a ‘purchasing administration’ of all animals they purchase. Name and address details must be known, the species, the numbers, invoices etc. Also the used TRACES certificates of a shipment has to be mandatory and available.

The use of SIENA, the messaging service of Europol, is absolutely necessary to come to the right direction and evidence.

Annexes

Annex I. Update version of the Guidance Book “GOOD PRACTICES IN THE IMPLEMENTATION OF THE EU ACTION PLAN AGAINST WILDLIFE TRAFFICKING”

IMPEL PROJECT

Title:

GOOD PRACTICES IN THE IMPLEMENTATION OF THE EU ACTION PLAN AGAINST WILDLIFE TRAFFICKING

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Project description and aims:

The implementation of the EU Action Plan against Wildlife Trafficking requires broad support, not just from the EU institutions, but also the EU agencies – Europol and Eurojust –, the Member States and their relevant agencies, the EU delegations, Member States Embassies in third countries.

The aim of this IMPEL project will be to analyze the different good practices to implement the EU tools to tackle wildlife trafficking and to build an orientation guide that can be shared and used by all Member States.

A general goal of the project is to build a reference guide to a core group of implementing enforcement authorities of the EU Member States that enable them to successfully tackle the problem of wildlife trafficking.

That includes:

- Exchanging solutions concerning implementation problems;
- Facilitating implementation and interpretation of available tools;
- Performing joint inspections;
- Developing web applications;
- Identifying implementation gaps;
- Providing an overview on the approaches in different European countries;
- Facilitating cooperation between actors from the compliance chain, also on defining consistent solutions for implementation problems.



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Wildlife Trafficking Definition and Terms:

Wildlife trafficking refers to the illegal trade of animals and plants, including endangered and protected species, in violation of international and national laws or regulations.

This includes a variety of illegal activities, such as:

Poaching: The unlawful hunting, capturing, or killing of wildlife, often targeting endangered species for their valuable parts, such as ivory, fur, or bones.

Smuggling: Illegally transporting wildlife or wildlife products across borders, often using clandestine methods to evade law enforcement.

Illegal Trade: The buying and selling of wildlife or their parts in markets that lack regulation or oversight, including online platforms.

Capturing, Possessing and Trading Exotic Pets: Removing wild animals from their natural habitats for the pet trade, which can destabilize local ecosystems.

Harvesting of Plants: Collecting and trading endangered or protected plant species, including medicinal herbs and ornamental plants, without permission.

Forgery of Documents: Creating or using fake permits or licenses to justify the legal trade of illegally sourced wildlife.

Corruption: Involvement of officials or law enforcement in enabling or ignoring wildlife trafficking activities, often in exchange for bribes.

Wildlife Farms and Breeding: Misusing legal operations by claiming to breed endangered species while actually sourcing them from the wild.

Transporting Endangered Species: Moving wildlife or wildlife products in violation of CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) regulations.

Wildlife trafficking not only threatens the survival of species but also has far-reaching consequences for ecosystems, human health, and global security. It is often linked to organized crime and can

contribute to violence and instability in regions where poaching is rampant. Efforts to combat wildlife trafficking involve enforcement of laws, international cooperation, and awareness-raising campaigns.

1 THE EU Wildlife Trade Regulations

1. [Introduction](#)
2. [Basic Regulation](#)
3. [Implementing Regulations](#)
4. [Suspension Regulation](#)
5. [Guidance documents](#)
6. [EU Reference Guide on EU Wildlife Trade Regulations](#)
7. [EU Action Plan against Wildlife Trafficking](#)
8. [Review of EU Wildlife Trade Regulations](#)
9. [Differences between EU and CITES Regulations](#)
10. [EU involvement in CITES implementation](#)
11. Further EU regulations

1.1 Introduction

Due to the European Single Market and the absence of systematic border controls within the EU, the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) have to be implemented uniformly in all EU Member States. CITES is implemented in the EU through a set of Regulations known as the EU Wildlife Trade Regulations. Currently these are:

- *Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein* (the **Basic Regulation**).
- *Commission Regulation (EC) No 865/2006* (as amended by Commission Regulation (EC) No 100/2008, Commission Regulation (EU) No 791/2012 and Commission Implementing Regulation (EU) No 792/2012) *laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97* (the **Implementing Regulation**).
- *Commission Implementing Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating the trade therein and amending Regulation (EC) No 865/2006* (the **Permit Regulation**).
- In addition, a **Suspension Regulation** is in place to suspend the introduction into the EU of particular species from certain countries.

In addition to this core legislation, a Commission Recommendation to Member States (Commission Recommendation No 2007/425/EC identifying a set of actions for the enforcement of Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, commonly referred to as the 'EU Enforcement Action Plan') specifies further the measures that should be taken for enforcement of the EU Wildlife Trade Regulations.



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Although the EU Wildlife Trade Regulations are directly applicable in all EU Member States, the necessary enforcement provisions must be transferred into [national legislation](#) ([pdf](#) 334KB) and

supplemented with national laws, as these are matters that remain under the sovereignty of each Member State. Member States must ensure that infractions are punished in an appropriate manner.

1.2 Basic Regulation

[Council Regulation \(EC\) No 338/97](#) deals with the protection of species of wild fauna and flora by regulating trade therein. It lays down the provisions for import, export and re-export as well as internal EU trade in specimens of species listed in its four Annexes. It provides for procedures and documents required for such trade (import and export permits, re-export certificates, import notifications and internal trade certificates) and it regulates the movement of live specimens. It also sets out specific requirements for Member States to ensure compliance with the Regulation and to impose adequate sanctions for infringements.

The Regulation also establishes a number of bodies at EU level, i.e. the [Committee on Trade in Wild Fauna and Flora](#), the [Scientific Review Group](#) and the [Enforcement Group](#), all of which consist of representatives of the Member States and are convened and chaired by the European Commission.

Species Listed in the Annexes to Council Regulation No 338/97

Council Regulation (EC) No 338/97 covers [species](#) listed in its four Annexes:

Annex A includes:

- All CITES Appendix I species, except where EU Member States have entered a reservation
- Some CITES Appendix II and III species, for which the EU has adopted stricter domestic measures
- Some non-CITES species

Annex B includes:

- All other CITES Appendix II species, except where EU Member States have entered a reservation
- Some CITES Appendix III species
- Some non-CITES species
- Lookalike species to CITES Appendix I or II species, that need to be included to effectively monitor the trade in these species listed in the Appendices.

Annex C includes:

- All other CITES Appendix III species, except where EU Member States have entered a reservation

Annex D includes:

- Some CITES Appendix III species for which the EU holds a reservation
- Some non-CITES species in order to be consistent with other EU regulations on the protection of native species, such as the [Habitats Directive](#) and the [Birds Directive](#)

Amendments to the Annexes of the Basic Regulation

Whenever the list of species listed in the Annexes to Council Regulation (EC) No 338/97 changes, e.g. in order to implement listing decisions of the Conference of the Parties, this is done through a Commission Regulation.

The most recent version of the Annexes is available [here](#).

Nomenclature: for Amphibian species listed unilaterally by the European Union in the Annexes of Council Regulation (EC) No 338/97, and therefore not covered by the Taxonomic Checklist of CITES-

listed Amphibians, a [Taxonomic Checklist of Amphibian Species not included in the CITES Appendices](#) is available.

1.3 Implementing Regulations

[Commission Regulation \(EC\) No 865/2006](#) lays down detailed rules for the implementation of Council Regulation (EC) No 338/97 and addresses practical aspects of its implementation. It also implements the bulk of currently applicable recommendations of the Conference of the Parties on the interpretation and implementation of CITES provisions.

It defines additional rules for the issue, validity and use of documents needed for the import, export, re-export and internal EU trade of specimens of species listed in the four [Annexes](#) to the Basic Regulation. The standard model forms that must be used for permits, certificates, notifications and applications for these documents, as well as labels for scientific specimens, are contained in [Commission Implementing Regulation \(EU\) No 792/2012](#).

Other subjects covered by this Regulation include provisions for animals born and bred in captivity, artificially propagated plants, personal and household effects and for the marking and labelling of certain specimens.

Commission Regulation (EC) No 865/2006 is regularly amended. The latest amendment was adopted on [6 February 2019 \(2019/220\)](#)

1.4 Suspension Regulation

Council Regulation (EC) No 338/97 provides the Commission with the possibility to restrict the introduction of species into the European Union. This is done after consultation with the countries of origin concerned and taking into account any opinion of the Scientific Review Group (for further information please refer to the document '[Differences between the EU and CITES](#)' ([pdf](#) 35K).

The most recent Suspension Regulation is available [here](#).

1.5 Guidance documents

The above mentioned EU Wildlife Trade Regulations set out rules governing wildlife trade in the European Union.

Guidance is also necessary to facilitate the application of the EU Wildlife Trade Regulations across the EU on some issues.

- [Guidance document on EU regime governing intra-EU trade and re-export of ivory](#)
- [Guidance on **Worked Specimens** under the EU Wildlife Trade Regulations](#)
- [Guidance document on the **verification of legality in timber trade**](#)
- [Guidance document on the **Proof of legal acquisition for live animals** of Annex B species and necessary documentary evidence.](#)
- [Guidance document on the export, re-export, import and intra-Union trade of rhinoceros horns](#) (2019)

1.6 EU Reference Guide on EU Wildlife Trade Regulations

This reference guide was updated in December 2020 and gives a very helpful overview of the current regulations and the implementation and enforcement of these rules. The current version can be found https://ec.europa.eu/environment/cites/legis_refguide_en.htm.

1.7 EU Action Plan against Wildlife Trafficking

On 26 February 2016, the European Commission adopted a [Communication on the EU Action Plan against Wildlife Trafficking](#) which sets out a comprehensive blueprint for joined-up efforts to fight wildlife crime inside the EU, and for strengthening the EU's role in the global fight against these illegal activities. The plan has three main strands – greater enforcement, better cooperation, and more effective prevention. The Action Plan is to be implemented jointly by the EU (Commission services, EEAS, Europol, Eurojust) and its Member States until 2020. The Action Plan was endorsed through [Council conclusions](#) in June 2016.

[Read more](#)

1.8 Review of EU Wildlife Trade Regulations

- [EU information document in view of a potential revision of EU rules governing trade in hunting trophies in species included in Annex B of Regulation 338/97 \(pdf 118Kb\) \(Español, English, Français\)](#)
- [Study on the Effectiveness of the EC Wildlife Trade Regulations \(pdf 1,54MB\)](#)
- [Stakeholder meeting 29 September 2008 - Summary report \(pdf 1,38MB\)](#)

1.9 Differences between EU and CITES Regulations

The EU Wildlife Trade Regulations not only implement the provisions of CITES and the majority of CITES Resolutions, they also go beyond the requirements of the Convention in some respects.

[More information about the difference between EU and CITES regulations \(pdf 35KB\)](#)

1.10 European Union involvement in CITES implementation

The European Union has been fully implementing the Convention since 1 January 1984.

This is partly because of technicalities in the way the Convention was drawn up and how it could apply to the European Union, and also because, as a result of customs union, implementation by individual Member States rather than the European Union as a whole would be at best be ineffective.

Aside from these technical reasons, the adoption of environmental action plans for the European Union and legislation on the protection and conservation of the European Union's indigenous species also made wildlife trade regulations shift from being individual national issues to encompassing the entire European Union.

1.11 Further EU rules

Beside the above mentioned regulations which are directly applicable in all EU member states a number of directives have been published in the recent years dealing with the protection of wildlife. The most important directives are the so called Birds directive (Directive 2009/147/EG) and the Fauna-

Flora-Habitats-Directive (Directive 92/43/EEC). Both Directives are directed to the EU member states and need to be implemented in the domestic legislation.



The birds directive which originally was published in 1979 covers all European bird species. Some exemptions are working for such species which are traditionally covered by hunting laws like different goose or duck species. The Fauna-Flora-Habitats-Directive is dealing with numerous plant and animal species except of birds.

The rules with regard to the protection of wildlife are very similar. According to these directives catching, killing and other activities which may harm wild animals and plants covered by these rules are prohibited. In addition to that the possession of such species and the trade in such species is prohibited.

According the Environmental Crime Directive of the EU (Directive 2008/99/EC) each member state should set up clear regulations to punish infringements against these species protection rules but also against the rules of the Basic Regulation No. 338/97 with regards to infringements against the import and export rules and against the rules on commercial activities.

These directive needs to be implemented into the domestic legislation of each member state because the rules on fight against illegal activities and on the punishment of such illegal activities are still under the responsibility and the government of each member state.

Although the Environmental Crime Directive forces each member state to set up some basic regulations but as it is left to each member state how to implement the directive the regulations in the member states are quite diverse.

Furthermore there are two Conventions that all EU member states are signatory to that also include other non-EU countries. Since all EU member states are signatory, these conventions also need to be implemented in domestic legislation. These are:

The Convention on the Conservation of Migratory Species of Wild Animals (CMS), also referred to as the Bonn Convention. This convention was established to protect migrating animals as they cross borders of multiple countries and their protection therefore relies on a collective effort of the different countries they migrate through.

The Convention on the Conservation of European Wildlife and Natural Habitats (CCEWNH), also referred to as the Bern Convention. This convention was established prior to the Fauna-Flora-Habitats-Directive and covers a wider range of countries than just the EU member states and a slightly different range of species. The provisions of this convention have largely been implemented in the Fauna-Flora-Habitats-Directive and Birds Directive.

2 Objectives/Limitations

2.1 Introduction to intelligence

2.1.1 From information to intelligence

Before we can properly discuss and explore information, intelligence and analysis in theoretical and practical terms, we need to have some common understanding as to what these terms mean. Some definitions of these three key terms are as follows:

Information

- Knowledge in raw form

Intelligence

- Information that is capable of being understood
- Information with added value
- Information that has been evaluated in context to its source and reliability

Analysis (of either information or intelligence)

- The resolving or separating of a thing into its component parts
- Ascertainment of those parts
- The tracing of things to their source to discover the general principles behind them
- A table or statement of the results of this process

Understanding properly the difference between these terms and how they interact is important, however even at this early stage, these definitions point to key differences. Information is quite simply raw data of any type, whilst in contrast intelligence is data which has been worked on, given added value or significance.

INFORMATION + EVALUATION = INTELLIGENCE

The way in which this transformation is made is through evaluation, a process of considering the information with regard to its context through its source and reliability.

In its simplest form, intelligence analysis is about collecting and utilizing information, evaluating it to process it into intelligence, and then analyzing that intelligence to produce products to support informed decision-making.

All these decisions involve applying our natural ability to “analyze” information, an overall process which can be usefully broken down into a series of stages, or questions we ask of ourselves, as follows:

- What exactly is the problem; what decision do we have to make and why is it significant or important?
- What information do we already have or might we reasonably obtain that could be relevant to the problem in hand. Where is it/how can we get it?

- What meaning can we extract from the information; what does it tell us about what's going on?
- Is there only one possible explanation, or are there other alternatives or options. Are some more likely than others?
- How do these affect the decision we have to make, are some options potentially better than others; do some carry greater risk of success and/or failure?
- Are we ready to take action with a reasonable level of confidence, or do we need to gather more information first? If so, what else do we need and where/how can we get it?

The process of applying these questions, evaluating the answers, and then choosing how to respond, to act, is the essence of what analysis is about.

By bringing this process under our conscious control, we can monitor it, develop and improve it, and subject it to quality checks which can be quite complicated to grasp. Beginning that development of awareness and skill is critical. The practical advantages of developing an individual's analytical skills are many, but can be summarized as follows:

ANALYSIS GOES BEYOND THE FACTS

It can tell you how good (or poor) your information/intelligence is

It can tell you things you didn't know before

It can tell you what you need to know to understand a situation

It can tell you where to look further

2.1.2 The origins of intelligence analysis

Knowledge has the potential to be equated to power. The concept of collecting and utilizing information to support decision making in some formal, structured way is nothing new. In order to obtain advantage over adversaries, it is imperative to possess the most up-to-date, accurate information regarding amongst other things, their intentions and capabilities. This rule applies in every field, be it politics, business, military strategy, or criminal intelligence. In addition, it is a process that has always been, and still is, continually developing and evolving, in response to changes in social/cultural factors, technology, *organizational* needs, and new/ higher levels of analytical skill.

Reviewing the historical background, the "roots" of intelligence and analysis as a process and as a profession is a useful and important exercise. Raising our understanding of the origins of intelligence and analysis helps us to understand both where we are now and how/why we arrived at this point. It also raises our awareness of how intelligence analysis is a continually changing, evolving practice, which if it is to remain relevant and useful in a practical sense constantly needs a fresh, flexible approach, new ideas, new skills, new techniques. The one constant for the professional intelligence analyst is that no two tasks or projects are ever exactly the same; every new piece of work requires a fresh approach.

There are many examples throughout history of military, religious and community leaders actively tasking individuals with information-gathering exercises and then basing their decisions on the

information obtained in this way. Perhaps the earliest recognized text on the subject of information gathering and intelligence-based actions is “The Art of War, The Art of Strategy” written in the 5th Century BC by Sun Tzu, a Chinese mercenary warlord. He was renowned for his ability to command military campaigns whose success owed a lot to his effective information-gathering and intelligence-led decision-making. It says much for the quality of this work that it still remains in print today and is essential reading for military and corporate strategists and intelligence operatives worldwide. From these early beginnings throughout history until relatively recent times, employing information-gatherers for primarily military goals has been a common trend.

What is more, a methodology arose from this process that basically involved direct contact between the information gatherer(s) and the decision-maker, as illustrated on figure 1-1:

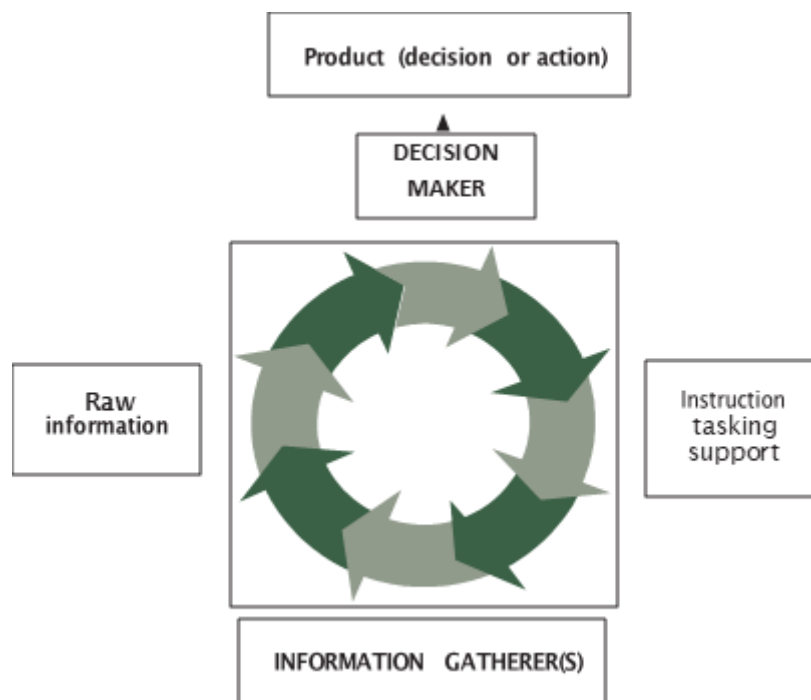


Figure 1-1. Basic tasking model

This method had certain notable features:

1. The sheer logistics involved (no real technology for transport or communication) created a massive time delay between the tasking of the information gatherer, the obtaining of the information, and the delivery of the information to the “end-user”.
2. Using information collectors who operated by visiting locations and witnessing events either personally or through intermediaries guaranteed that the information collected would be limited by their senses and their ability to remember accurately what they saw; such information would thus always be highly subjective, and tend towards being based on opinion rather than fact.
3. The volume of information collected in return for such a large investment of time and resources would be extremely small.

Any investigation generates vast amounts of information; the larger the enquiry, the more information the investigator has to deal with. The problem for investigators is that no matter how good

the system used to store all this information, they are always limited by their own mental capacity to embrace the information as a whole, to “take it all in” at once.

**PARTIAL UNDERSTANDING MUST INCORPORATE A DEGREE OF MISUNDERSTANDING.
MISUNDERSTANDING LEADS TO POOR CONCLUSIONS.**

This understanding of the whole of the information is crucial to valid decision-making. Fully understanding a small part of the whole information available means that in fact the investigator only has partial understanding of the whole situation.

It might reasonably be taken as some measure of the importance and value of intelligence and analysis that despite these potentially crippling limitations the process still proved to be a decisive factor in the success of military and political campaigns throughout these times.

Methods in acquiring information changed only slowly throughout history until towards the end of the last century. The massive growth in technology that began then, and still continues today, brought about what has proved to be a massive change in methods of information- gathering, which in turn created a demand for new approaches to analysis and intelligence.

This process began in the late 19th Century with the advent of telegraphy and telephony, which allowed for messages to be sent almost instantaneously over greater and greater distances. At a stroke this removed the resource and time problem that the former methods suffered through their need for the information gatherer to move between source and decision maker. This change carried with it a number of benefits.

Firstly, the “response time” between a decision maker asking for information and receiving the result was vastly reduced; this represented a clear benefit in that it improved the decision makers’ ability to react quickly on the basis of such information. In addition, this development also had a knock-on benefit in that there was less time for the information source to “forget” or “lose” information whilst they were in transit, thus the quality of information also improved. Similarly, the lack of need for the information to be physically carried back to the decision maker created a vast saving in resources; information gatherers were able to spend less time travelling/passing on information, and thus more time collecting information.

The overall result of this change was ironically that these benefits also carried with them a new problem for the decision maker. Much larger quantities of information were gathered, far more quickly than before, and the reaction time for making decisions was reduced. In addition, controlling the process of information-gathering itself became a problem, with a new need for more emphasis on new tasks and orders for information-gatherers created as a result of their new, improved performance. Thus where before the process involved information passing between information gatherer and decision maker, because the new system created an information “overload”, a new problem arose in that the decision maker simply was unable to process all the information received effectively and quickly and then react to it.

2.1.3 The analyst

A necessity arose for the decision maker to return to a situation that enabled speedy interpretation of information and decision-making. This created a need for an intermediate stage between the information gatherer and the decision maker, where the bulk of the information could be received, recorded, evaluated and examined to interpret and extract meaning, before the result of this process was passed to the decision maker.

The core function of the analyst can be broken down into a three-phase process, as follows:

- To gather information, to understand it and the relevance or relationship of each piece to all of the others.
- To develop this information objectively to arrive at an understanding of the whole.
- To communicate this understanding to others and so to put the intelligence process to practical use.

2.1.4 Criminal intelligence analysis

What is “criminal intelligence”? To most people, including criminal investigators, the term conjures up images of collator-style systems used to store and retrieve the information we collect about crime and criminals. As the volume and variety of the information we collect has expanded, we have gradually introduced more and more complex systems to assist with its storage and retrieval. Viewed in this limited context, the introduction of information technology (IT) has been a notable success; the use of IT for the storage and retrieval of crime information is now almost second nature to the operational criminal investigator, and there is no doubt that without these tools, as a service we simply would not be able to cope with the task of recording and collating criminal information.

Collecting information in itself does not result in obtaining intelligence. Information must be properly evaluated before it can be acted upon. The value of criminal intelligence can be enhanced further by analysis. When available intelligence is too complex and large in volume for simple action, it must be analyzed in order for meaningful results to be obtained.

Currently, insufficient use can be made of the information we collect on crime or criminals to develop real “criminal intelligence”, either by intelligence units themselves or by their customers, the operational criminal investigators. Even with all the new systems for storage and easy access to criminal intelligence, investigators can still fail to make real use of this invaluable resource other than as a “ready reference” to the facts unless they properly evaluate this information and use analysts to analyze the intelligence that this process produces.

Criminal intelligence analysis (CIA) is a philosophy which sets out how we can approach the investigation of crime and criminals by using the intelligence and information that we have collected concerning them. It provides techniques that structure our natural deductive powers and thought processes, the “natural intuition”, which proficient investigators use subconsciously all the time. It also provides tools that help us to understand the information we collect, and to communicate that understanding to others.

2.1.5 The way forward

The criminal intelligence analyst is every bit as much an investigator of crime as the operational investigator. The key to CIA being of value as an operational tool is that the results of analysis have to be of direct value to the investigation. It follows then that the best results can only be achieved when the analyst and investigator work together in partnership, integral parts of the same team.

In the same way, the analyst and detective need to share many of the same skills needed to be good criminal investigators. The basic problem for intelligence analysts is putting intelligence and information together in an organized way so that the difficult task of extracting meaning from the assembled information is made easier. Only when the proper explanation of what the original information means has been derived can this intelligence be put to practical use. The techniques and systems embodied in this manual are practical tools, which can be of value in any investigation.

2.1.6 Intelligence analysis and organized crime

The advent of criminal intelligence analysis is directly linked to the transformation of individual crime into organized or group crime. The effective use of intelligence is crucial to a law enforcement agency's ability to combat criminal groups. Intelligence analysis also provides the agency with the knowledge required for effective management of its resources. With appropriate tasking, the products of intelligence analysis can assist in developing strategic plans to tackle current problems and prepare for future anticipated ones.

Criminal intelligence analysis permits law enforcement authorities to establish a pro-active response to crime. It enables them to identify and understand criminal groups operating in their areas. Once criminal groups are identified and their habits known, law enforcement authorities may begin to assess current trends in crime to forecast, and to hamper the development of perceived future criminal activities. Intelligence provides the knowledge on which to base decisions and select appropriate targets for investigation. While the use of criminal intelligence analysis is appropriate to support investigations, surveillance operations and the prosecution of cases, it also provides law enforcement agencies with the ability to effectively manage resources, budget, and meet their responsibility for crime prevention.

At the dawn of the last century, "organized crime" was synonymous with the Cosa Nostra. The picture of organized crime today is quite different. Many of the new criminal groups, with well-developed organizational structures, are established for obtaining power and wealth. These groups include outlaw motorcycle gangs, Russian organized crime, Asian organized crime, African organized crime, drug cartels and a myriad of street gangs—Asian, Korean, Hispanic, black, white supremacy, to name just a few. Levels of complexity are increasing even further with fluid almost structure-less networks evolving, such as West African criminal networks. It should be noted that cooperation between different organized crime groups and networks is commonplace. This also includes the organized wildlife trafficking groups, poachers and transnational organized network on endangered species trafficking/killing.

Criminal organizations are more sophisticated and dynamic than ever before. The challenge for law enforcement is to be prepared for this increasing sophistication in order to reduce the impact of criminal activities on our communities.

In order to accomplish this, law enforcement agencies need forward looking, assertive, and comprehensive strategies to counteract the threat of organized crime groups. Criminal intelligence analysis, when tasked and used effectively, can be a major asset in the law enforcement arsenal. Countries with greater experience within criminal intelligence, such as the United Kingdom, have developed national intelligence models to help standardize how criminal intelligence is used.

Information technology is very much key to intelligence sharing. Particularly in this age of sophisticated multinational crime, including terrorism, a failure to share intelligence and information effectively limits the efforts of all states in combating it.

2.1.7 Intelligence

INTELLIGENCE: KNOWLEDGE (PROCESSED INFORMATION) DESIGNED FOR ACTION

The word intelligence can be used to describe the process of interpreting information to give it a meaning. It has also been used to describe a group or department that gathers or deals with such information or to describe the product of such activity or department. At its simplest, intelligence might be described as processed information. Narrowed down to law enforcement use, “intelligence” could be described as information that is acquired, exploited and protected by the activities of law enforcement institutions to decide upon and support criminal investigations.

Intelligence always involves a degree of interpretation resulting in an inevitable degree of speculation and risk. The amount of speculation and risk is dependent upon the quality and quantity of information. Intelligence is usually divided in two main areas:

Strategic intelligence: Focuses on the long-term aims of law enforcement agencies. It typically reviews current and emerging trends changes in the crime environment, threats to public safety and order, opportunities for controlling action and the development of counter programmes and likely avenues for change to policies, programmes and legislation.

Operational intelligence: Typically provides an investigative team with hypotheses and inferences concerning specific elements of illegal operations of any sort. These will include hypotheses and inferences about specific criminal networks, individuals or groups involved in unlawful activities, discussing their methods, capabilities, vulnerabilities, limitations and intentions that could be used for effective law enforcement action.

A good knowledge of operational intelligence is a highly recommended prerequisite to developing strategic intelligence capability. The development of operational intelligence in itself will provide an important source of intelligence to consider from a strategic perspective.

2.1.8 Intelligence vs. evidence

EVIDENCE: DATA FROM WHICH TO ESTABLISH PROOF

It is important to emphasize that a state's national legislation will dictate the way intelligence can be used for law enforcement purposes. The process of intelligence gathering in relation to a specific investigation is usually a prelude to any evidence gathering phase. Legislation will also dictate whether intelligence material gathered during the course of an investigation is protected from disclosure in criminal proceedings

This part of the investigation responds to reported events and explains what took place and who was involved. Intelligence analysis aids investigations by helping to target available resources and identifying information gaps to focus the investigation more clearly. It also helps to avoid duplication of effort and prevent straying into areas of no relevance. To obtain maximum benefit, an analysis capacity should be employed at the earliest possible stage of an enquiry, preferably at the beginning, although, logistically this is not always possible.

2.1.9 The intelligence cycle

The concept of the intelligence cycle is broadly recognized as the foundation of the intelligence analysis process, at both operational and strategic levels.

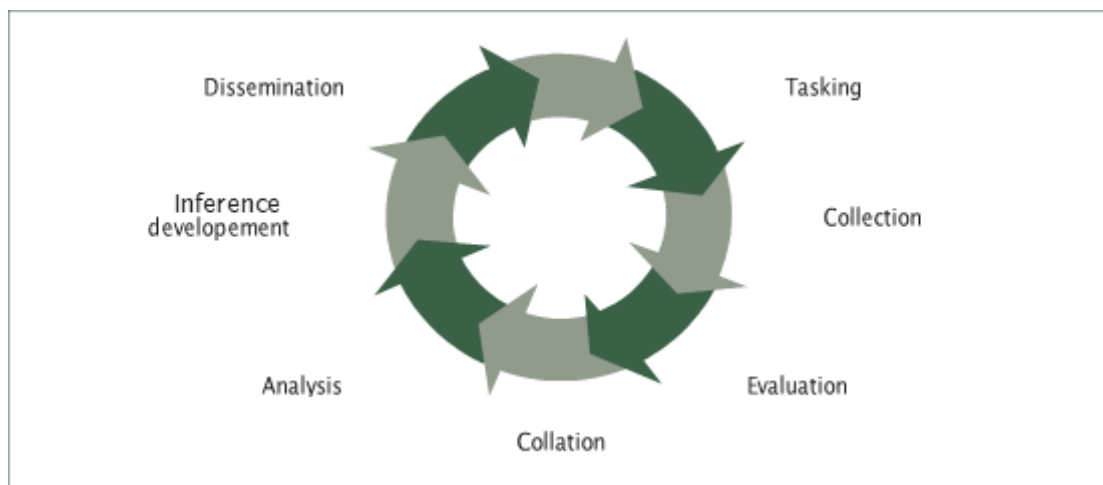


Figure 2-1. The intelligence cycle

2.1.10 Direction/tasking

Intelligence analysis is driven by the needs of decision makers, i.e. consumers of the analytical product. The analytical effort is thus often directed through tasking by these decision makers. They take the initiative at this stage of the cycle, but the principle of partnership requires that both they and the providers share a responsibility for working together to ensure that the requirements for the analytical product are clearly defined and understood by both sides.

The initial questions that have to be asked are:

- Who tasks?
- How do they task?
- Why do they task?
- What tasks are set?

In general, these questions will be answered within the environment in which the analyst sits and therefore no hard and fast rules can be given in this respect. It is essential that a good decision maker/analyst relationship exists in order for tasking to function effectively. The analyst must be objective, not influenced by preconceived ideas, but at the same time willing to accept the task without prejudice.

Tasking can take two basic forms:

- The decision maker expresses a requirement for an analytical product focusing on a subject or a range of subjects of concern.
- The decision maker formulates a general expectation for the analytical provider regarding an area of risk, threat or opportunity.

After the task has been clearly defined, the analytical unit commences its own planning for the remaining phases of the intelligence cycle.

2.1.11 Collection

The intelligence process relies on the ability to obtain and use data. However, the first and most basic problem to overcome lies with the collection and storage of this data which comes in many forms, from electronically retrievable to “hard copy”.

COLLECTION: THE GATHERING OF DATA

COLLECTION PLAN: A FORMALLY DEFINED APPROACH TO DESCRIBING THE INFORMATION NEEDED AND MEANS OF ACQUIRING IT

Care must be taken at this early stage to avoid data overload which is always a problem for any agency, but data ignored because the provider believed it not to be relevant can cause problems later on.

The issue of planning all the activities in the intelligence process is particularly significant in the collection phase. In both operational and strategic intelligence analysis the topics and the scope of the analysis should be clear before considering further actions to be undertaken. A collection plan in which the information needed is identified, and the means of acquiring it are laid out, is imperative to ensure the orderly and precise collection of relevant information.

The collection plan should include the information categories that are important to the analysis, the specific data items needed to do the analysis, possible sources of information and sources to be contacted with specific requests, and a schedule to indicate when the information was requested and

when it is needed by. In order to avoid “chaos”, a structured collection plan approach where the analyst is proactive, imaginative and explores all avenues to gain information is vital.

The three main types of sources of information are open, closed and classified:

- *Open source (OSINT)* is information that is publicly available. One very notable subset of open-source information is so called “grey literature”. It can consist of research, technical, economic reports, “white papers”, conference documentation, dissertations and theses, discussion papers, subject-related newsletters, etc. One of the main difficulties in working with this type of source is evaluation as information available in the public domain can frequently be biased, inaccurate or sensationalized.
- *Closed source* is information collected for a specific purpose with limited access and availability to the general public. Closed source information is often found in the form of structured databases. In the context of criminal intelligence analysis, these databases will largely include personal data collected as part of ongoing targeting operations, or broader criminal records, vehicle registration data, weapons licensing, etc.
- *Classified* is information collected by specifically tasked covert means including use of human and technical (image and signals intelligence) resources. Use of classified information can significantly enhance the quality of an analytical product, as it is usually highly accurate; however, it can also make an analytical product significantly less actionable due to restrictions on dissemination.

The intelligence analyst must become an all-source analyst, i.e. selecting information sources for their relevance for the project rather than for availability or ease of access. An all-source analyst must avoid becoming a victim of a traditional concept that only closed or classified data sources are useful and contain valid and relevant data. The use of open sources often gives additional credibility to the final product or triggers off collection of further closed or classified information.

Selection of sources can also be regarded from the angle of cost effectiveness. Use of open sources instead of deploying expensive covert assets may significantly reduce the budget for a collection exercise, or alternatively, permit the acquisition of more information within an established budget. Use of open sources can also help protect or conserve sources of closed and classified information. At the same time, as exploration of open sources often requires handling extremely large data volumes, an analyst involved in OSINT should receive specialist training in the subject or be supported by an OSINT expert.

The ultimate objective of an operational intelligence analyst is to bring about the arrest of the criminal(s) under investigation and/or the disruption of a criminal group’s activities. The aim of the team should therefore be to develop the most useful sources and collect the information most likely to produce successful results. A common starting point is to identify the criminal’s associates—however, the objective should always be to identify relationships between individuals and their roles in the criminal activities, rather than identifying associates for their own sake.

A major issue in a collection exercise is the language of the source. Intelligence analysis is particularly appropriate for investigations of organized crime activities, which very often have a cross-border dimension. Exclusion of information (including open source information) purely on the basis of

language can have a seriously damaging effect on the quality of an analytical product. Language training of analysts is one solution. Use of translation software is another.

An intelligence collection plan may contain the following elements:

- *Problem definition*—the intelligence problem needs to be precisely and clearly formulated
- *Project aim*—ideally a one-sentence definition of an intelligence requirement
- *Project scope*—it expands the definition of the project aim and sets out the actions expected from the analyst. It also contains a detailed description of the scope and purpose of collection measures and sources.

2.1.12 Evaluation

The validity of an inference is directly linked to the quality of the data behind the inference. Thus, data evaluation is a key element of the intelligence cycle. It should be conducted simultaneously with or immediately after its acquisition, to ensure that the evaluation takes place within the context in which information had been acquired (as it is difficult to evaluate information that has not been submitted correctly within a local environment). Evaluation requires a separate assessment of the reliability of the source (the provider of the information) and validity and accuracy of the information.

EVALUATION: AN ASSESSMENT OF THE RELIABILITY OF THE SOURCE AND THE QUALITY OF THE INFORMATION

The source and the actual information must be evaluated independently of each other and therefore it is imperative that the person completing the report has a sound knowledge of the evaluation system.

2.1.13 Collation

COLLATION: THE ORGANIZATION OF THE DATA COLLECTED INTO A FORMAT FROM WHICH IT CAN BE RETRIEVED AND ANALYSED

Collation is transfer of collected information and/or intelligence into a storage system (be it a filing cabinet or a computerized data base) in a structured (indexed, cross-referenced) format that permits rapid and accurate access. It is not equivalent to bulk filing of every bit of information or document acquired during collection. Irrelevant, incorrect and otherwise useless information is weeded out.

2.1.14 Data integration and analysis

ANALYSIS: THE CAREFUL EXAMINATION OF INFORMATION TO DISCOVERS ITS MEANING AND ESSENTIAL FEATURES

The analysis stage of the intelligence process is a key one. Analysis can be described as in-depth examination of the meaning and essential features of available information. Analysis highlights information gaps, strengths, weaknesses and suggests ways forward.

The analytical process is aimed at the use and development of intelligence to direct law enforcement objectives, both for short-term operational aims and for long-term strategic reasons. The scope of analysis and its overall credibility depends on the level and accuracy of acquired information, combined with the skills of the analyst. Analysis is a cyclical process, which can be performed to assist with all types of law enforcement objectives. Different types of crimes and criminal operations require different scenarios, but in all cases the information used should not be pre-filtered through an artificially and arbitrarily imposed selective grid.

Data integration is the first phase of the analytical process. It involves combining information from different sources in preparation for the formulation of inferences. Various techniques may be used to display this information, the most common being the use of charting techniques.

- *Link charting*—to show relationships among entities featuring in the investigation
- *Event charting*—to show chronological relationships among entities or sequences of events
- *Commodity flow charting*—to explore the movement of money, narcotics, stolen goods or other commodities
- *Activity charting*—to identify activities involved in a criminal operation
- *Financial profiling*—to identify concealed income of individuals or business entities and to identify indicators of economic crime
- *Frequency charting*—to organize, summarize and interpret quantitative information
- *Data correlation*—to illustrate relationships between different variables

The next step in the analytical process is interpretation or logical reasoning, which requires going beyond the facts. The disciplined approach to analysis requires the maximum amount of information to be assessed at the time of integration to determine its relevance. Excluding information at the beginning of the process can easily lead to the significance of a vital piece of information being overlooked. This can lead to incorrect analysis, which can ultimately jeopardize an enquiry.

Analysis often identifies additional projects that are tangential to the original one. In the past, it was usual to undertake these projects simultaneously and in conjunction with the main one. This approach led to dispersing of resources, delays and overall lower quality of the final product(s). Through experience, it has now become accepted that analytical projects should be undertaken sequentially, one at a time, or by independent teams of analysts.

Data description and integration techniques, like link analysis, are not an end in themselves. They are simply tools used by analysts in the process of deriving meaning from information. The first truly analytical product is an inference. An inference comes from the premises—one common mistake is to intuitively develop an inference and then look for premises that would support it. This emphasis on the primacy of premises should be reiterated by means of a statement such as “the premises that led me to my inference are...” and not “the premises supporting my inference are...” (When presenting results, however, the starting point is the inference—the big idea—followed then by premises from which it came).

A “premise” in inference development is used to identify facts or pieces of information that go together to make a particular point. Premises are the first and key stage in the true process of data

analysis as against data description. Understanding how premises are identified is crucial to developing inferences.

Premises are the closest link to the described information, and thus are the most objective and accurate representation of data. For any given set of premises derived from a particular set of information, the premises may be combined in different ways to suggest different inferences.

There are four types of inferences:

- *Hypothesis*—a tentative explanation, a theory that requires additional information for confirmation or rejection.
- *Prediction*—an inference about something that will happen in the future.
- *Estimation*—an inference made about the whole from a sample, typically quantitative in nature.
- *Conclusion*—an explanation that is well supported.

It should be noted that all inferences require testing in some manner before they can be accepted as fact.

2.1.15 Dissemination

DISSEMINATION: THE RELEASE OF THE RESULTS OF ANALYSIS TO THE DECISION MAKER

An intelligence analyst has the responsibility of disseminating analytical products to targeted audiences, as appropriate. Much of the routine dissemination may be conducted by way of short notes. But intelligence analysts should be able to give oral briefings on larger investigations and write structured reports detailing the currently available information.

Throughout the whole process the decision maker will have been in close consultation with the analyst, and would have been asked on numerous occasions to answer questions relating to the particular project.

The dissemination process can take various forms, such as:

- Structured formalized reports
- A structured and formal oral presentations with supporting documentation
- Weekly overviews in the form of bulletins
- Ad-hoc briefing to intelligence and investigative teams

The dissemination phase completes the initial cycle of the intelligence process.

2.1.16 Re-evaluation

Re-evaluation involves a continual review of the whole intelligence cycle to identify ways in which any stage of the cycle can be improved. To be of most value, re-evaluation should occur throughout the process, not merely be left to the last stage of the cycle. Re-evaluation can be directed at:

- Process
- Analytical product
- Use of the analytical product
- Effectiveness of reporting
- Analyst's perspective
- Decision maker's perspective

2.2 Building the Picture.

Officers in charge of investigations related to the illegal trade in birds can be confronted with different scenarios. In general two major scenarios can be distinguished.

- a. Activities related to breeder/keeper/trader
- b. Activities because of the suspicion of illegal catching and killing
- c. Activities concerning international trafficking.

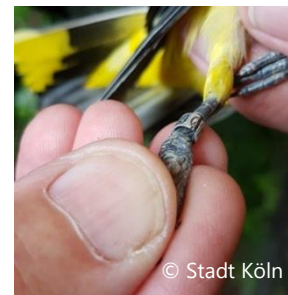
2.2.1 Scenario a)



In many cases you may go out for an inspection of a known breeder or keeper. In such cases you may be aware of most species kept but often you may find unexpected species and unexpected numbers of birds. When inspecting a breeder, the focus should be on the availability of a legal breeding stock and the acceptable number of potential offspring. It is nearly impossible to check the parent ship just on the spot. Consequently, in the case of suspicion the taking of samples for the respective analysis must be prepared.

You may not only find birds bred by the person involved but also animals bred by others or imported or of unknown sources. Such problems cannot be solved immediately. Therefore, you may take actions to secure the birds and all the relevant information.

Last but not least the check of the marking of the birds is essential. Manipulations of closed rings are known and can be found. It will not cause many problems to manipulate rings especially if the rings are made of aluminum and if the rings are used to mark small birds. As larger the birds are and as stronger the used ring material is as more complicated the manipulation will be. Having identified irregularities, you may have to decide about the seizure of the birds. Such seizure may consequently lead to the question where to place the seized birds. To release the birds with the current holder might be an option which should be chosen in very single cases only. If you decide to take away the birds you have to have persons who are able to handle the birds and who are able to house the birds. Such birds should always be housed separately due to different reasons f. e. because of infectious diseases.



2.2.2 Scenario b)



When dealing with the illegal catching and/or killing of birds you have to be aware of a general problem. In most cases you may find the caught or killed animals but you cannot find the perpetrator. Getting such a person „red handed“ might be possible but this will be a very rare and lucky situation. Mostly the persons involved will not be available at the crime scene. Therefore, identifying such a crime you have to focus on the saving of evidence to keep the chance to find the persons behind.

You may find nets, traps, lime sticks and other tools to catch birds. Such items should be taken out of the wild to prevent the damaging and killing of other animals. You also may find birds caught with such materials. In these cases, the birds will be heavily injured because of the method how birds will be caught. Lime sticks may damage the feather and traps may break the legs of the birds. Depending on how long the birds will be caught such birds will be exhausted and need immediate care.



You also may find dead birds killed because of unknown reasons or methods. In such cases forensics like x-ray or chemical analysis might be necessary to identify the way how the animals were killed. Birds will be killed mostly by shots or by poison.

Such dead birds need to be handled carefully taking care especially for your own health and safety. In addition, looking around the scene might result in more victims.

Many different species can be found. Nets and lime sticks are mostly used to catch small song birds especially for keeping them as pets but also for food purposes. In many countries especially birds of prey are the victims of illegal killing.

2.2.3 Case Study a)

A regional German authority became aware of the trade in European Songbirds and suspicion of illegal trade in such birds. A known bird trader offered such birds regularly on different platforms but he also used larger or smaller bird fairs in Germany and the neighboring countries to sell and acquire such birds.

Because of different reasons like number of traded birds and sold species etc. the regional authority applied for a house search and the public prosecutor agreed after having checked the relevant details and the legal framework.

When carrying out the house search the authorities identified more than 400 birds of different European bird species. At least more than 100 were not marked. No acceptable proof of legal acquisition could be presented for all the birds identified.

More than 300 rings have been checked carefully. At least more than 270 rings showed marks of manipulations. Only a small number of rings did not show any mark of ring manipulation but also some of these rings did not match the ring size given in the regulation.

Most of the birds belonged to very common species like *Carduelis spinus*, *Carduelis carduelis*, *Carduelis flammea*, *Carduelis cannabina* or *Pyrrhula pyrrhula*. Just such species will be checked less carefully by the authorities than more rare species.

According to further investigation many of the birds were acquired in EU countries like Belgium, Czech Republic, the Netherlands or France.



In most cases of manipulation, the rings have been widened by conical tools to increase the inner diameter of the ring. Such wider rings can be placed on the legs of subadult or adult birds. After placement of the ring on the leg the ring will be pressed with pliers to prevent the loss of the ring.

Meanwhile the case was closed and the persons involved have been sentenced to imprisonment on probation.

This case but also comparable cases in other EU member states show clearly that there is a large demand for such birds in many EU countries. It seems to be clear also that this demand cannot be satisfied by animals legally bred in captivity completely and that there is a need for catching such birds for pet trade.

2.2.4. Cases Study b)

Import of live birds in the European Union is regulated by Veterinary and Wildlife protection rules. Due to the outbreak of Avian Influenza, Regulation 139/2013 initially established stricter domestic rules for wild birds, which importation was limited to personal pets, up to five per passenger, and for commercial consignments only to those with facilities approved in the country of origin by the EU. Regulation 338/97 and 865/2006 establishes conditions for trade of protected species of fauna and flora. Afterwards, imports plummeted causing the demand of exotic birds unattended. The new situation fueled the captive breeding operations within the domestic market in the pet trade sector, while some decided to search into the illegal trade.

On 2016-2017 Spanish Enforcement Police launched an operation against international live bird trafficking.



At Madrid's airport, a random X-ray control of check-in luggage of a person coming from Senegal, found out a batch of birds, none of them protected, at a Spanish border point, on an attempt to smuggle them into the EU market.

Cooperation with and NGO working on the field (Eagle Senegal) was helpful to the afterwards investigation.



Madrid, April 4th 2016, 270 heads seized of the species *Uraeginthus bengalus*, *Serinus mozambicus* and *Amadina fasciata*. All were taken to a nearby quarantine of a Rescue Center for exotic animals. None were CITES listed.

Soon after the seizure, a meeting to exchange information and work out a possible operation was launched among Customs, Enforcement Police Head Quarters and the CITES Management Authority:

- Alert sent to all CITES Offices at the main Border Points,
- Internet search for similar deeds happening in third countries,
- Intelligence gathering by Enforcement Officers on the persons,
- Search in specialized web pages of offer/demand on bird fairs of the species seized.

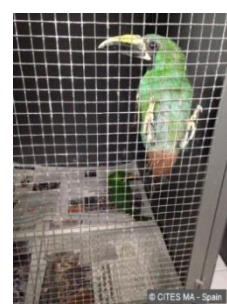
Findings:

1. - Previous records found after an internet search in the media:

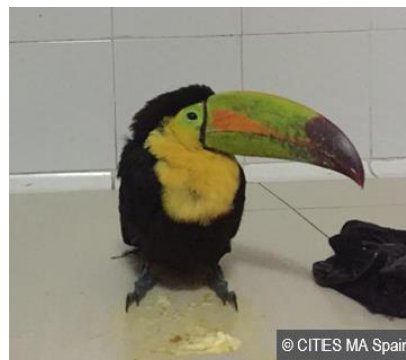
Ecuador (February 16th, 2016): two Spaniards were indicted on an attempt to smuggling 10 live birds of the species *Rupicola peruviana*, Annex B listed (estimated price 50,000 euros in the EU market).

2. - Seizures achieved during the investigation process:


Peru (April 20th, 2016): seized on arrival at Spain, live birds in checked in luggage, of the species *Pteroglossus viridis* (CITES protected), *Aulacorhynchus prasinus dimidiatus* (non listed) and *Tangara* and *Euphonia* species. A total of 45 birds with a death toll of around 50%, an estimated value in the EU market around 23,000 euros.



Mexico: live toucans and other non-CITES listed birds seized at Barajas Airport. Mexican authorities were informed and coordination among enforcement police aimed to chase the syndicate behind.



Belgium and Netherlands: wild source bird traffic is found in advertisements of specialized webpages. Information exchange of species concerned and persons involved is undertaken among authorities.

Toucans, Hornbills & Turacos	Ramon Francho	10.01.17	
Vitoria			
1-1 Ramphastus Sulfuratus 7500€ pair Soy de España entrego en belgica u holanda			

("I'm from Spain, deliver in Belgium or The Netherlands")

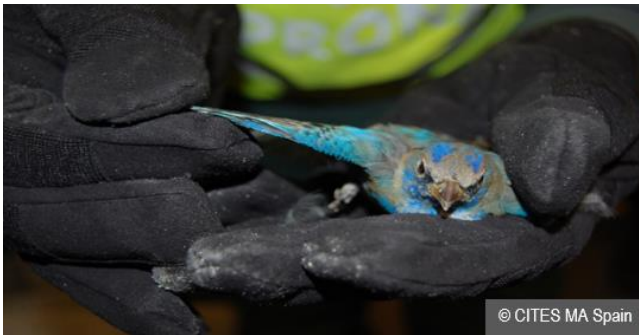
Argentina: June 2016, seized in Argentina at the airport, with destination Spain. June 9th, Species protected by CITES and non-listed, *Ramphastos toco*, *Paroaria coronata*, *Gubernatrix cristata*, *Amblyramphus holosericeus*, a total of 126 birds.



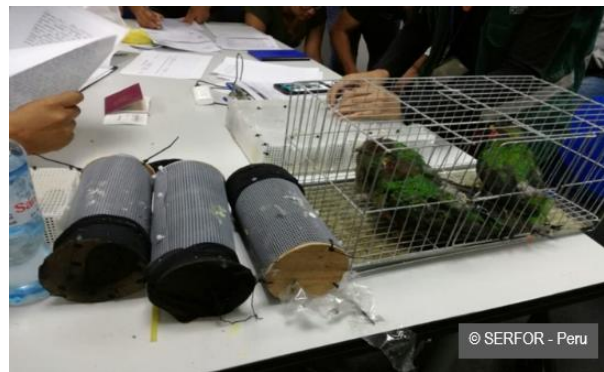
Uruguay: July 2017, seized at Barajas Airport – Spain, 4 hummingbirds among others.



Mexico: February 2017, seized at Barajas Airport – Spain. *Ramphastos sulphuratus* (4), *Pteroglossus torquatus* (3), *Cardinalis cardinalis* (29), *Passerina ciris* and *P. cyanea* (19).



Peru: December 2016, seized by SERFOR as Enforcement Authority at Airport Jorge Chávez, none listed in CITES Regulations. Six quetzals (*Pharomachrus pavoninus*), twelve *Tangara* sp., five *Euphonia laniirostris* and two toucans of the species *Semnomnis ramphastinus* (from Ecuador).



During the operation, several illegal shipments were detected, successful control deliveries achieved, gathered intelligence on the mules, consignees, trips, “modus operandi”, etc., all set up for action day, with a total of three premises checked, a large number of birds seized, and acquisition of digital data from cell phones, PCs, etc.

Since the end of the operation, there has been no other similar seizure of this kind at the Spanish borders, considered the syndicate disrupted and acting as a strong deterrent against illegal trade of live wild birds.

2.3 Target groups

The EU acts as a single market. Since this market consists of 27 separate member states it is probably the most diverse market in both the legal and illegal wildlife trade. There is great cultural diversity between the different member states and this results in different traditions and views on hunting, entertainment, conservation and pet keeping and different use of plants, animals and derived products as food sources, traditional medicine, ornaments, cosmetics, art, musical instruments, clothing, furniture, company etcetera. This cultural diversity is reflected by the trade in wildlife commodities.

Several member states also have historical and recent connections with other countries through past colonization and trade and some still govern overseas territories. These connections, the possibilities of communication in the same language and back and forth migration of people between these countries, territories and member states has also greatly contributed to the diversity of wildlife commodities traded to, from and within the EU. Last but not least, there is a plethora of migrant communities within the EU with their own (sub-)cultures and associated use of wildlife commodities.

It is difficult to pinpoint what illegal wildlife commodities traded within, to and from the EU are of most concern and should receive enforcement priority. This really differs from one member state to the next and each member state should assess for themselves what the relevant commodities are. This can be done by analyzing data on imports, exports and re-exports provided by the national CITES Management Authority or by the CITES Trade database, complemented with data from inspections, checks and criminal investigations and the offenses these exposed. Good collaboration between the different enforcement authorities within a country and on the different levels of government is crucial for this. Data from the EC, the EU-TWIX database, transnational agencies like IMPEL, INTERPOL and EUROPOL, non-government organizations and scientific research can all contribute to assessing which form of illegal wildlife trade should be addressed within a member state.

It is also important to realize that once enforcement focusses on specific commodities in one country, traders will shift their imports, exports and sometimes even operations abroad to remain undetected by authorities. Therefore, it is crucial to seek cooperation with other member states involved in the trade chain.

Last but not least member states should also be aware of the limitations in enforcement systems and operations they use. Customs operations for example can be designed in such a way that wildlife crime is not even noticed: a product may already be seized or destroyed because it did not comply with other legislation, like for example that on the import of medicines and food products. The focus might be diverted away from wildlife crime, while wildlife crime might in some of these cases even be the more serious offense. The same can apply to the systems and operations of other enforcement agencies, so it is imperative to understand how these systems and operations work and where the blind spots may be.

3 – Available Tools

Technical tools (microchip readers/transport cages/capture material...)

Camera, flashlight, magnifying glass, phone with applications, own safety package like face mask etc.,

Checklists:

- Inspection sheets

ID Tools

- Identification guides (CITES)
- Identification techniques

List of ID experts

Handling animals

- Training in handling
- Restriction techniques

Rescue centers

Forensic techniques available

- DNA Sampling (species identification)
- DNA Parentage Research
- Isotope analysis
- Covert marking and tracing materials

Investigative techniques

- Online monitoring
- Electronic Data Processing (EDP) Audit
- Financial Investigation

Accredited laboratories

Costs

- dna test, zoo hotel, etc

Other authorities which might be involved

- veterinary services
- police

3.1 Inspection Tools

Commonly inspection authorities encounter difficulties carrying out inspections of facilities where fauna and flora are housed, such as breeders, commercial stores and fairs and markets. The difficulty in identifying the species and the verification of the respective documents makes the inspection work extremely technical. These difficulties sometimes divert inspectors' attention to some details that are important to consider during an inspection.

Preparatory work is important, so that the inspection can proceed in the best way, as the reports of previous inspections or the list of specimens registered with the management authority. Thus, the inspectors' work is facilitated by the available prior information.

The success of an inspection also depends on the report produced so that the authorities can have a perspective on the evolution of the inspected.

This document is intended to be a supporting tool to inspections of breeders and keepers of fauna and flora.

Inspection actions are reported on the respective forms, thus allowing inspectors to report all situations detected during the inspection.

The inspection sheets are ordered by A, B, C and D, in annex of this document. The last one has a form that allows you to calculate a score, which will allow you to measure the degree of success of the inspection. Sheet D also has a guideline that comprehensively explains how to complete the form in order to obtain the final score.

4. Closing remarks

Frontline officers will be confronted with different scenarios every day. New and unforeseen problems will occur and must be solved in short time. Especially the wildlife trade regulations are complex and not easy to enforce. Many officers have to deal with such infringements only in rare cases and do not have much experience.

This document may be helpful for these officers but also for more experienced officers and may enable them to identify the relevant cases and to handle such cases properly.

The time pressure will be huge because in many cases officers have to deal with live animals. In such cases animal welfare must be taken into account and solutions especially with regard to the placement and housing of seized animals must be taken very fast. This problem must be solved on a case by case basis but the knowledge about institutions and organization which are able to help is essential.

The document cannot cover and solve all questions but any suggestions how to develop the document are highly welcome. Many persons have a lot of experience and their input could be valuable for the improvement of the document. Finally the success in such cases is built on the three pillars communication, cooperation and coordination but not only on a regional level but also on national and international level.

Many species have been identified to be part of the illegal trade. Therefore the careful check of traders or breeding facilities and the careful analysis of evidence of legal origin of the parental stocks and their offspring are a challenge for the different authorities of the member states.

In order to tackle that challenge a number of steps can be implemented before one inspection, such as:

- i) Collect and evaluate all data available;
- ii) Distinguish between routine checks and checks related to criminal investigation;
- iii) Knowledge of the Right of access;
- iv) Notice of the check or not?;
- v) Prepare for identification and breeding conditions;
- vi) Identify other authorities that need to be involved or need to be informed or asked for participation;

- vii) Technical tools required;
- viii) Necessity taking samples and to keep the chain of custody;
- ix) Think about health and safety and take care for the required tools;
- x) Be prepared for the transportation of the seized specimens and
- xi) Identifying the Costs of the operation.

Knowing which species are involved in the action is a fundamental step for its success. This technical identification must be ensured by an independent entity with experience in the area so that its opinion can be used correctly in a administrative or criminal proceeding.

There are thousands of species included in the CITES Appendices and also in the Annexes of Council Regulation (EC) 338/97 and other relevant regulations and directives. It is almost impossible to build up in-depth knowledge about all these species.

Within the team it is therefore advisable to form workgroups in which inspectors or enforcers can be assigned to specific groups of species, such as birds, reptiles, corals, plants etc. In this way, species knowledge is built up more easily.

Within these working groups, trends and modus operandi can be studied to strengthen enforcement in addition to species knowledge.

There are also various technical tools available online that can help with species identification. Such tools do not work flawlessly, so caution is advised. However, such technical tools can point you in the right direction when it comes to species identification. In practice, it has been shown that such tools can be of added value.

There are several specialists available within the EU member states that can reach a conclusive determination. These specialists can be found within zoos, museums, scientific institutes or universities.

Furthermore, it is important that the implementation of new provisions, translated into national legislation, finds its way to the designated authorities via a clear organizational route.

It is also important, partly due to the lack of knowledge within various government services in the field of wildlife trafficking, that cases of wildlife trafficking are recognized and that officials know which responsible authority they must then inform.

In a simplistic way, such as by means of leaflets, posters, informative campaigns, workshops and presentations this goal can be achieved. Officials without in-depth knowledge of wildlife trade regulations or without experience with wildlife trafficking, can recognize cases, file reports and communicate this to the designated authorities.

Hopefully this document will give you some ideas how to identify and handle cases of illegal wildlife trade.