

TOR Reference No.: 2019/16	Author(s): João Loureiro Amended by: Elisabete Dias Ramos
Version: 3	Date: 12 August 2019
<b>TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL</b>	

## 1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration	
Industry	<input type="checkbox"/>
Waste and TFS	<input type="checkbox"/>
Water and land	<input type="checkbox"/>
Nature protection	<input checked="" type="checkbox"/>
Cross-cutting tools and approaches	<input type="checkbox"/>
1.2 Type of work you need funding for	
Exchange visits	<input checked="" type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference	<input type="checkbox"/>
Development of tools/guidance	<input checked="" type="checkbox"/>
Comparison studies	<input checked="" type="checkbox"/>
Assessing legislation (checklist)	<input type="checkbox"/>
Other (please describe):	<input type="checkbox"/>
1.3 Full name of work (enough to fully describe what the work area is)	
<p>Analysis of 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, laying down detailed rules concerning the implementation of Council Regulation (EC) no 338/97 on the protection of species of wild fauna and flora by regulating trade therein, and their relation with the EU Action Plan against Wildlife Trafficking, with possible participation of ENPE, EUFJE and EnviCrimeNet.</p>	
1.4 Abbreviated name of work or project	
<p>Good practices in the implementation of the EU Action Plan against Wildlife Trafficking.</p>	

## 2. Outline business case (why this piece of work?)

### 2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)

- Council Regulation (EC) no 338/97 of 9 December 1996.
- Commission Regulation (EC) no 865/2006, of 4 May 2006.
- CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora).
- EU Action Plan against Wildlife Trafficking.
- Member States legislation implementing CITES.

### 2.2 Link to IMPEL MASP priority work areas

- |   |                                     |
|---|-------------------------------------|
| 1. Assist members to implement new legislation.   | <input type="checkbox"/>            |
| 2. Build capacity in member organisations through the IMPEL Review Initiatives.               | <input type="checkbox"/>            |
| 3. Work on 'problem areas' of implementation identified by IMPEL and the European Commission. | <input checked="" type="checkbox"/> |

### 2.3 Why is this work needed? (background, motivations, aims, etc.)

The scale of wildlife trafficking is such that it now poses a genuine threat to the survival of some of nature's most emblematic species. As a result, tigers, rhinoceros, elephants, and even species of timber such as rosewood are severely at risk of extinction.

Wildlife trafficking has become a billion-euro criminal industry dominated by organized criminal groups. It is even more attractive as the risk of detection is low, penalties are often insignificant, whereas the profits are comparable to arms and human trafficking. Even though the countries more affected are those with more biodiversity and generally outside the EU, Europe too is directly concerned and affected. Endangered birds and reptiles are offered for sale in the European Union, protected timber and ivory have been sneaked through harbours, and highly endangered glass eels from Europe are ending up for sale in Asia.

Thus far, EU efforts to address the problem have been focused on implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora and advocating for strict global rules, supporting large scale conservation efforts, and engaging in regional or multilateral initiatives to curb wildlife trafficking and poaching.

The implementation of the EU Action Plan against Wildlife Trafficking will require broad support, not just from the EU institutions, but also the EU agencies (e.g. Europol and Eurojust), the Member States and their relevant agencies, the EU Delegations and Member States Embassies in third countries.

That EU Action Plan demonstrates that the EU is ready to live up to international expectations and commitments, and that it is raising the level of its ambition as regards action against the illegal trade in wildlife. The Action Plan is a major contribution towards the Sustainable Development Goals set under the 2030 Agenda for Sustainable Development agreed by heads of state at a UN summit in September 2015. Goal 15, which relates to biodiversity, sets the target of "taking urgent action to

end poaching and trafficking of protected species of flora and fauna, and address(ing) both demand and supply of illegal wildlife products”.

Nevertheless, the EU and its Member States need to address the problem together. EU-wide rules regulating the trade in wildlife have been in place in all Member States since 1983, implementing CITES, and the Commission issued a recommendation on enforcement in 2007. However, reports reveal significant differences in how the Member States implement and enforce these shared rules. This represents a major risk, because criminals can easily exploit the ‘state of affairs’ by diverting trade routes accordingly, as a number of cases in recent years have shown. It has also emerged, in various reports and during the stakeholder consultation, that lack of awareness and political engagement are also major obstacles to combating wildlife trafficking effectively.

A joint commitment by the EU and its Member States, in the form of an Action Plan, to taking a series of measures, implementing shared international commitments and acknowledging at a political level the importance of tackling the problem, represents a way to ensure more even EU-wide enforcement. It will help boost the EU’s credibility worldwide when it demands that its global partners take stronger action against wildlife trafficking.

To achieve those goals, it will be essential to work together closely between the Member States, with stakeholders, including civil society organizations and relevant business sectors, on many specific measures to make maximum use of the available expertise and knowledge and ensure maximum impact.

An important action to take it will be to analyse the different good practices to implement the EU tools to tackled wildlife trafficking and to build an orientation guide that can be share and used by all Member States.

#### **2.4 Desired outcome of the work (what do you want to achieve? What will be better / done differently as a result of this project?)**

The 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 the wildlife trafficking. This will include:

- Exchange of solutions concerning implementation problems.
- Facilitating implementation and interpretation of available tools.
- 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.

The project team and participants of the workshop will work on these issues to come up with good practice examples for implementation.

**2.5 Does this project link to any previous or current IMPEL projects? (state which projects and how they are related)**

### 3. Structure of the proposed activity

**3.1 Describe the activities of the proposal (what are you going to do and how?)**

Priority topics from the issues described in 2.4 will be chosen by the project group for the development of solutions and guidance. These topics will also be discussed and developed further during the workshop of the project but will mainly come from Priority 2 (Implementing and enforcing existing rules and combating organized wildlife crime more effectively) and Objectives 2.2 (Increase capacity to combat wildlife trafficking of all parts of the enforcement chain and the judiciary) and 2.3 (Fight organized wildlife crime more effectively) from EU Action Plan against Wildlife Trafficking.

The guidance and best practice examples that have been already developed will be presented and discussed and will be put into a form that is useful for the guidance book. Guidance to best practices of implementation that lead to the constitution of solid cases to be presented to court, of administrative, civil and criminal offences.

There will also be conducted, back to back with the workshop and the project meetings, joint Inspections of a small sub-group of the project team to the main issues dealt within this project in the host country.

The guidance will be a first approach on good practices for better implementation of the EU Action Plan against Wildlife Trafficking. Most probably this project will continue in the future to further develop the guidance, also addressing specific areas of Wildlife Trafficking.

In 2018 a first workshop was executed to bring all participants on the same level of knowledge according to wildlife trafficking. The important investigation by authorities and prosecutor according to the violation of nature protection was according to the glass eel case in all his aspects had been explained.

During the workshop several loop holes according to regulation in the scope of wildlife trafficking had been pointed out, as well as gaps regarding the situation of closed food rings and captive bred. This is not only a loop hole according to CITES legislation, but also a topic which is important to explore further under EU Birds Directive. Therefore, during the workshop and during the expert team meeting this topic has been addressed as an important topic to investigate. This was also confirmed during an EU meeting regarding the EU action plan to combat Illegal Killing of Birds. Our colleagues from Portugal have confirmed that it is possible to make a combination of this workshop with a study joint inspection at the birds' market in Porto.

### 3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)

**Outputs:**

A guidance book with good practices for better implementation of the EU Action Plan against Wildlife Trafficking, considering the following:

- Results from real joint inspections.
- IMPEL member examples.
- Inspection tools.
- Minimum extent and resources for inspections.
- Results from a technical workshop.

**Outcome:**

Reduction of the implementation gaps and a level playing field within IMPEL member states.

### 3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)

- Development of the work program 2019: January/February 2019.
- Finalising work program at the first project group meeting: March 2019.
- Work on topics: April/May 2019.
- Preparation of the workshop: June 2019.
- Joint inspection: back to back with the project group meetings and the workshop.
- Workshop: country approach / good practices / related projects: September 2019.
- Development of guidance and good practice examples: until November 2019.

### 3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)

The first risk is that only a few countries collaborate within this activity. The strategic approach for actively encourage and support passive members was used to mitigate this risk.

The second risk is that only inspectors will be members of the project team. The results will invite more stakeholders to participate in the project.

The third risk is that outputs of the project are only recognized by a small group of active project members. Communication of results shall be used to mitigate this risk.

## 4. Organisation of the work

### 4.1 Lead (who will lead the work: name, organisation and country) – this must be confirmed prior to submission of the TOR to the General Assembly)

João Loureiro, Institute for Nature Conservation and Forests, Portugal.

**4.2 Project team (who will take part: name, organisation and country)**

Portugal and experts from 6 other member countries, possibly from Spain, United Kingdom, Germany and Czech Republic.

**4.3 Other IMPEL participants (name, organisation and country)**

**4.4. Other non-IMPEL participants (name, organisation and country)**

Potential connections with: ENPE, EUFJE, EnviCrimeNet, ICCWC, Interpol, Europol, CITES Secretariat.

**5. High level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible**

	Year 2019 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	22,953 €			
How much money is to be co-financed?				
<b>Total budget</b>	22,953 €			

**6. Detailed other costs of the work for year 2019**

6.1 Are you using a consultant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6.2 What are the total costs for the consultant?	N/a.
6.3 Who is paying for the consultant?	N/a.
6.4 What will the consultant do?	N/a.

<b>6.5 Are there any additional costs?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Namely: 630 €
<b>6.6 What are the additional costs for?</b>	To present the project outputs at the Expert Team meeting.
<b>6.7 Who is paying for the additional costs?</b>	IMPEL.
<b>6.8 Are you seeking other funding sources?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
<b>7.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs.</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:

## 7. Communication and follow-up (checklist)

	What		By when
<b>7.1 Indicate which communication materials will be developed throughout the project and when</b>  <i>(all to be sent to the Communications Officer at the IMPEL Secretariat)</i>	TOR <sup>✓*</sup> Interim report <sup>✓*</sup> Project report <sup>✓*</sup> Progress report(s) <sup>✓</sup> Press releases News items for the website <sup>✓*</sup> News items for the e-newsletter Project abstract <sup>✓*</sup> IMPEL at a Glance <sup>✓</sup> Other, (give details):	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	November 2018  November 2019 (if + when necessary)
<b>7.2 Milestones / Scheduled meetings (for the website diary).</b>	See 3.3.		

<b>7.3 Images for the IMPEL image bank.</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>7.4 Indicate which materials will be translated and into which languages.</b>	
<b>7.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required.</b>	
<b>7.6 Identify which groups/institutions will be targeted and how.</b>	
<b>7.7 Identify parallel developments / events by other organisations, where the project can be promoted.</b>	

✓ ) Templates are available and should be used. \*) Obligatory

## 8. Remarks

*Is there anything else you would like to add to the Terms of Reference that has not been covered above?*

*In case of doubts or questions please contact the  
IMPEL Secretariat.*

*Draft and final versions need to be sent to the  
IMPEL Secretariat in word format, not in PDF.*

*Thank you.*